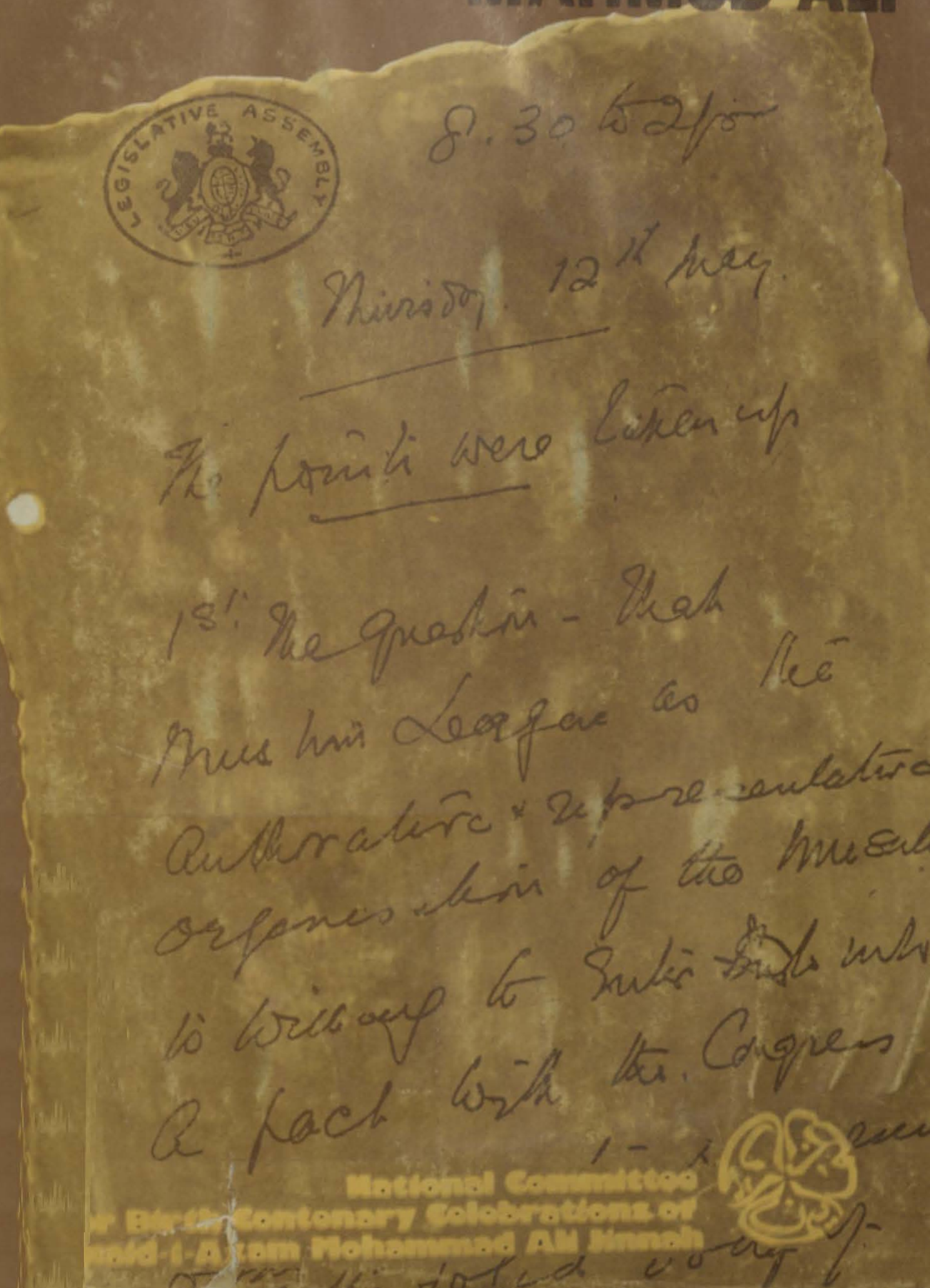
QUAID-I-AZAM as a Constitutionalist

MAHMUD ALI



National Committee
r Birth Centenary Celebrations of
aid-i-Azam Mohammad Ali Jinnah

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AS A CONSTITUTIONALIST

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**National Committee
for Birth Centenary Celebrations of
Quaid-i-Azam Mohammad Ali Jinnah
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(A facsimile of the Quaid-i-Azam's handwriting is reproduced on the cover)

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Dedicated to the memory of my late lamented uncle, Moulvi Munawwar Ali, who, all through his political career, had been a great admirer of the constitutionalism of Quaid-i-Azam Mohammad Ali Jinnah.

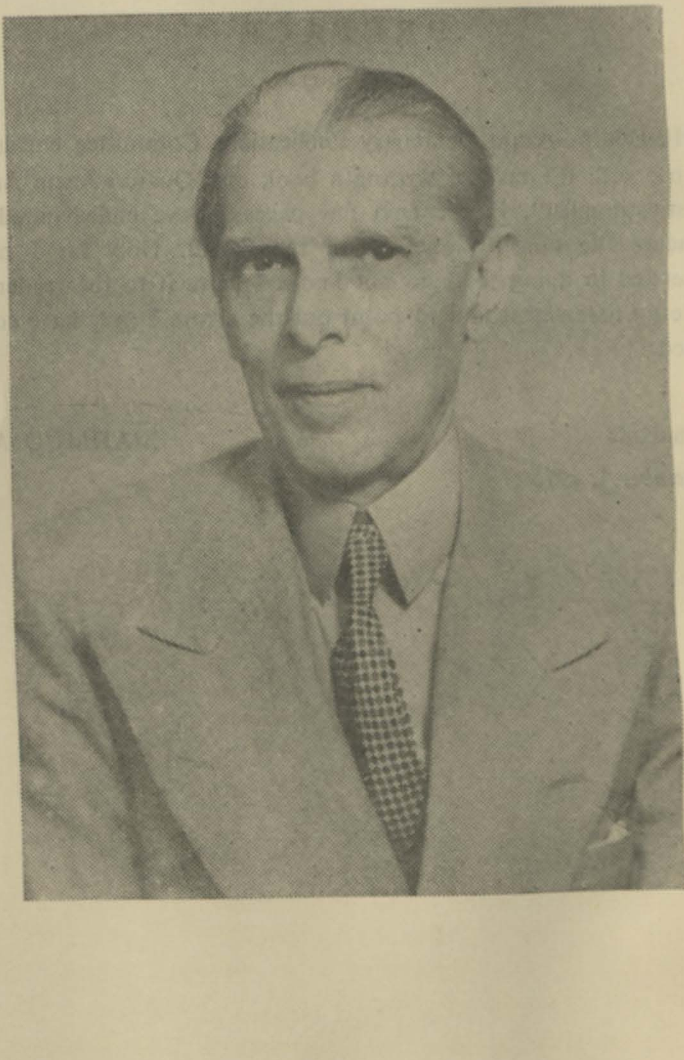
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PREFACE

THE Quaid-i-Azam Centenary Publications Committee entrusted me with the task of writing a book on "Quaid-i-Azam As A Constitutionalist". In the next few pages I have endeavoured to delineate the constitutionalism of the Quaid. How far I have succeeded in doing so, I do not know. I leave it to the reader to make an assessment and to point out the errors I may have committed.

Islamabad: MAHMUD ALI

September 1, 1976



THE CONCEPT

THE year 1976 constitutes an important period in our life. It has been declared the year of the Quaid-i-Azam because a hundred years have passed since the birth of Pakistan's creator who won our emancipation both from the Hindus and the British simultaneously at the fag end of his life after about half a century of political struggle. It is obviously a fit thing to devote this year to the centenary celebrations of the Quaid and to pay homage to him for what he did for the Muslims of the subcontinent. But it is not merely a year of homage and tributes; it is also a year of inquiry into and evaluation of the philosophy of the Quaid-i-Azam and the mode and objective of the movement which culminated in the birth of Pakistan. The Quaid-i-Azam and Pakistan cannot be viewed in isolation; they are part of each other, and each explains the other in a manner which provides a total and comprehensive picture of the entire struggle. This is what is being done during the current year. Throughout the country, almost every section of the nation is involved in this important and interesting exercise.

The narration of the story of a national struggle is always absorbing, and when the struggle has been successful, it is also energising. Various aspects of the Quaid-i-Azam's life are being examined, fathomed and projected in the context of the phenomenon which took the shape of a separate homeland for the Muslims of the subcontinent with two purposes in view; first, to create interest, particularly in the younger generation, about the national struggle; and, secondly, to galvanise them to a new level of activity. In this way, both the spirit as well as the form of the struggle is being recalled to mind.

Like all great leaders, the Quaid-i-Azam was a composite personality. He embodied in himself the complex situation which

faced Pakistan-India subcontinent and the various communities during his life-time. The situation and the Quaid acted on each other, deflected each other's course and influenced the strategy. The Quaid evolved a powerful strategy to face the multi-directional pull of the time, and eventually mastered the situation. This mastery took the shape of Pakistan. And the underlying force and the most consistent feature of his strategy was what is generally called constitutionalism.

Every word has a different connotation for each individual; the dimensions of such a connotation vary according to the vision of the person concerned, the elasticity of his perception and the reality which he creates before the people to illustrate his vision. This aspect of the issue under discussion has to be kept in view as an arrow-mark when debating the Quaid-i-Azam's constitutionalism. Like a number of other phrases and socio-political terms, constitutionalism is also an invention of the modern age. It took birth with the advent of new ideas concerning the corporate nature of the government and the society. The industrial growth, increasing intricacies of economic patterns that followed in the wake of technological advancement, jumbling up of political aspirations, and a continuous clash of interests between the rulers and the ruled gave birth to the evolution of declared policies and privileges. This was the birth of a new attitude in the people and their leaders, which marked the beginning of what we call constitutionalism. It has evolved side by side with the democratic way of life, and like democracy, it has undergone—and is still undergoing—frequent recessions and advances.

Constitutionalism today is an important ingredient of civilized peoples and their leaders; it is an essential postulate of a government, whatever its form. It stipulates a state of affairs, a policy, an administration which is not run or overrun by the world of mouth or the whim of an individual or a coterie of individuals. It ensures that a government is guided and controlled by a set of fully articulated principles, policies and directives. And these policies and directives are supposed to be in line with the modern

trends and urgencies; at least they must have the look of them. For this purpose, these principles are intended to be as binding on those who run the affairs of a country and thus hold power as they are on the general public.

Like other political philosophies which are born out of the impact and requirements of a new way of life, constitutionalism, too, is not something abstract. It does not sprout forth from a barren mind, nor does it operate in vacuum. It relates to the conditions obtaining in a society and reflects the state of mind of the individual who manipulates it. It is manifested in the attitude, conduct, mental framework and the actual process of life of the person concerned. Essentially, therefore, it is not to be sought in what is said but in what is done. In a more meticulously constitutional person, however, it is visible both in word and practice, in private and public life, in professional conduct and social behaviour. In fact, it permeates the entire fabric of his life. More precisely, constitutionalism signifies a mentality and a cast of mind, and when we seek to evaluate such a mentality and mood of a person, we go deeper into his habits and off-hand utterances to make a correct appraisal. We scan his whole life-span and trace the dominant role in his personality which forms his distinguishing mark. This becomes more aptly relevant when the subject of study is a leader of the calibre and visional clarity of the Quaid-i-Azam.

Therefore, to have a fairly correct idea of the Quaid-i-Azam's constitutionalism, we should keep his entire life before us. We should discuss him as a practising lawyer, as a professional politician, and also as the first Governor-General of Pakistan. He had an indivisible personality, and, therefore, we cannot split him into bits to form a correct estimate of his view on constitutionalism. But what makes the study of Quaid-i-Azam fascinating is the period to which he belonged; the period of turmoil and treachery, of sudden reversal of policies and betrayal of promises, of eruption, of violence and oppression, of political flexibilities as well as rigidities, and of a long period of destructive process which engulfed

almost everybody who had something to do with India—the ruled as well as the rulers, and the various sections of subject nations.

In this long period of turmoil, almost everything was being torn to pieces. The old ideas, forms of governance, and colonial powers and their brutalities were giving way to new forms of subjugation, statecraft and suppression. To remain a constitutionalist in such a situation required both courage and vision, and a faith that destructive forces will ultimately be defeated by constructive ones. To be considerate, methodical and consistent in such a long phase was an immensely difficult task, but the Quaid performed this task. The study of this performance, the examination of his approach to problems, his peaceable methods and yet unbending determination, his respect for law and yet opposition to those who tried to inflict unjust laws and incorrect decisions, and his life-long struggle to undo the political bondage of the British and the economic bondage of the Hindus on the Muslims provide a very buoyant intellectual exercise. Such an exercise unveils before our eyes the whole process of the departure of the British from the subcontinent, the emergence of the Muslims as a separate and a self-reliant entity, and the partition of the subcontinent into two sovereign states.

Such a study also enlarges the canvass of constitutionalism. It upholds the process through which this concept passed to attain a certain level of inevitability. It shows that constitutionalism does not necessarily mean conformism; it may also mean nonconformism, a departure from the prevalent and more enthusiastic practices to be able to conform to a more orderly, harmonious and stable structure of political thought and activity which has been put out of sight by the noisy rhetorics of slogan-mongers. It does not mean, as some would like to put it, a meek following of the imposed verdict or the dictates of others; it does not amount to a slavish submission; it is a revolt, a confrontation, an encounter with disintegrating forces and dissipating tendencies that have been garbed as norms of law, order and constitution. The acceptance of evil is not constitutionalism, though its eradication is.

Constitutionalism is the result of an ordered evaluation of situations by the man concerned; it is born out of a harmony of his own ideas, and a purposefulness of his own programme, his own evaluation of the incongruities in the existing systems, and his determination to remove them. It essentially flows out of a clarity of thought in clear contrast to confused thinking and inner contradictions. This clarity of thought and the logic of his mind maintains his equilibrium, keeps his personality intact and prevents his becoming a freak of nature, a howling creature, a mere demagogue, a lopsided personality. We have, therefore, to examine the thought content of the Quaid-i-Azam when we tackle the issue of his constitutionalism. He was not a constitutionalist in the restricted legal sense, though legal aspect, too, was never lost sight of. He was a constitutionalist in spirit, which at times, did not seem to care for the tight jacket of the form. He had his own way of evaluating situations, of examining whether they conflicted with the logic of his ideas and programmes or were in conformity with them.

Logic and constitutionalism emerge from the same attitude; and logic was what the Quaid displayed in each of his decisions, arguments and policies, both in law and politics. A close friend of his, Diwan Chaman Lal, once summed up his estimate of Quaid-i-Azam's power of demolition and said: "Jinnah's greatest weapon is logic. When he debates a case, he demolishes the stand of the other party so ruthlessly, brick by brick, that when his arguments are over, nothing is left of the other party's case". This is exactly what he did in politics also, where he faced giants almost single-handed, projected them as hollow, and swayed a political atmosphere where none else could have stayed for long. Almost every one of his opponents was swept aside, and every stalwart of the Congress was helpless before the logic of the Quaid-i-Azam.

Therefore, when we talk of constitutionalism, it does not mean adherence to a written document inflicted by a far-off alien people on a subject nation. The mere fact of enslavement of a nation is in conflict with the purposes of constitutionalism as

evolved by the modern world. The undoing of this slavery, the overthrow of the yoke of a foreign nation, the claim to right of self-determination and its ultimate exercise, are in line with the idea of constitutionalism as understood and projected by sane and humane sections of mankind. This is how the Quaid-i-Azam took constitutionalism; this is how he practised it in the legal profession, politics and later as Head of State. These are the various aspects which I have tried to discuss in the next pages. The discussion is essentially an attempt to understand, to unravel and illustrate the whole political process which swayed the Indo-Pakistan sub-continent in the first half of the twentieth century. This is of more significance today when the intent and programme of the Quaid-i-Azam, which culminated in the creation of Pakistan, are being over-looked in their precise and true nature. Much dust has been raised on petty issues, which are keeping the actual process hidden from the eyes of the younger generation. A re-dedication to the cause is possible only if the idealism of the Creator of Pakistan is under-stood, projected and assimilated properly.

A NEW PHENOMENON

THE first half of the twentieth century witnessed a radical change in the political and administrative attitudes in the subcontinent. After having demolished everything that signified Muslim rule, the British had hoped for a completely demolished society which could be directed on any line the alien rulers desired. They had demonstrated in the 1857 events the superiority of their weapons and organization in the battlefield, and had hoped to display the might of their statesmanship in the actual administration of the subcontinent. Soon, however, they found a different process born out of the very strategy which they had evolved after the 'mutiny'. The dilemma seemed to be insoluble. The manner in which all this happened affords an interesting mental exercise, and reveals the short-sightedness of the rulers who, mighty though they were, and cunning too, could not understand the latest intricacies of a society, or societies, which embroil the entire fabrics of statecraft.

The unrest of 1857, which occurred a century after Clive had established a foothold for the British in the southern tip of the subcontinent, caused a basic constitutional change. The East India Company as such was brushed aside, and the power was transferred to the British Crown, and the British Parliament was vested with full powers to administer and legislate for India. This was effected through the Government of India Act of 1858, followed in 1861 by the Indian Council Act. This was amended in 1892. During this quiet, subdued period, the British remained unruffled, but they lacked self-confidence—the type of confidence which was exhibited by the Muslims for over 800 years—and tried to trick the local population in a number of ways. To evolve a homogeneous society on the pattern of British people, or to tear apart the various segments so as to create a situation of perpetual conflict? This was their dilemma, and they were not clear what course to adopt.

They, however, moved somewhat clandestinely to create a class of intellectuals paddled to their way of thinking and as a handy weapon to keep peace in the subcontinent. These intellectuals were also to serve as their political henchmen to make the task of alien administrators smooth and easy.

As a first step, a retired Indian Civil Servant, A.W. Hume, was entrusted with the task of manipulating the creation of a political organization with aims subservient to the British statecraft. Hume was the person who laid the foundation of the Indian National Congress in 1885 with three objectives before it. "First, the fusion into one national whole of all the different, and till recently discordant, elements that constitute the population of India; second, the gradual regeneration along all lines—mental, moral, social and political—of the nation thus evolved; and, third, the consolidation of the union between England and India by securing the modification of such of its conditions as may be unjust to the latter country". The articulation of unity of the Indian population soon after declaring the policy of divide and rule as demonstrated in the segregation of the Muslims indicated a clumsy approach to the problem of India. This approach, too, was soon abandoned and the British statecraft began to oscillate between two extremes—complete unity and complete disintegration.

The Congress, which was surreptitiously founded by an Englishman, of course at the instance of the Viceroy, with the avowed purpose of unifying Indian population into a single whole as a docile, completely domesticated and submissive subject nation, was soon found to be following a different line. Apart from Syed Ahmed Khan and the contemporary Muslim press, which opposed the infliction of Congress on the Muslims, the Congress itself underwent a metamorphosis. It soon became a voluble Hindu revivalist movement, intending to achieve its objective of domination of the caste Hindu over others, under and with the support of the British Crown. The process of political thinking was followed by a political activity which could not be contained wholly in the

grooves prepared by the British. The Congress was actually proving unwieldy for the British with the advent of the 20th century.

In the same period, the Muslims began to harbour fears about the new scheme of things as unfolded by the British. They formed a political party of their own, of course as docile in intent and phraseology as the Congress was. This party, named All-India Muslim League, was hatched at a meeting in Dacca; it adopted a tame and conciliatory resolution to explain its aims which were listed: "(a) To promote amongst the Mussalmans of India feelings of loyalty to the British Government, and to remove any misconceptions that may arise as to the intentions of Government with regard to any of its measures; (b) to protect and advance the political rights and interests of Mussalmans of India, and respectfully to represent their needs and aspirations to Government; (c) to prevent the rise, among Mussalmans of India, of any feelings of hostility towards other communities without prejudice to other objects of the League."

These apparently meek political outbursts of two major communities of the subcontinent of India were obviously considered in line with British thinking. It could well be surmised that the new political and intellectual elite, in whatever form it was, was essentially wedded to India's permanent link with England. On the face of it, there could be no fear or apprehension of any turmoil to be engineered by organizations such as the Congress and the Muslim League. But things did not move (of course, they could not) as the British had expected. The partition of Bengal by Viceroy Curzon in 1905 as a matter of administrative convenience was strongly, rather madly, opposed by the Hindus. The storm they raised over it uncovered the mentality and aspirations of the Hindus who were being politically fed and channelled by the British-made Congress. The annulment of the partition six years later resulted in an awakening of the other community—the Muslims—to the effectiveness of base Hindu mobocracy and the undependable nature of British bureaucracy.

The Muslims lost their faith in the British Government and reacted in a more determined manner than the Government could surmise from the phraseology used by the Muslim League at Dacca in 1906. Contrary to what the British had hoped, the subcontinent was faced with a turmoil which continued till India was partitioned and the British were made to leave. The British statecraft began to lose its moorings and direction within half a century of its complete victory over the people of the subcontinent. There was uncertainty, chaos, a game of seesaw; and the world situation added to what was inherent in the Indian conditions under the British. The conflict was both with the alien rulers and amongst the Indian communities, and much of what was done in politics or administration was based on expediency, a sort of stop-gap arrangement, which resulted in deceit, treachery, oppression and faithlessness.

It was in this freakish situation, in this ebb and flow of politics and administration, that Jinnah appeared on the scene of Indian Politics, carved out his own path and stuck to the principles which had struck his fancy at a very young age. Viewed in this context, the Quaid-i-Azam appears as a new phenomenon in India's political horizon. He signified decency in the face of vulgarity, method as against lawlessness and cool-headed calculations instead of mere speculations and whimsicalities. This was at once an affront to the shrieking Indian political leaders and the crafty, vascillating and somewhat disturbed British Government. As a leader of the Congress, as part of the Home Rule League, and as head of the Muslim League, the Quaid exhibited the same methodicism. This was his sense of constitutionalism, and it was born out of a mental attitude which he developed from early days. Whatever the situation and whatever the forces he had to face, his approach remained primarily systematic. He did not undergo convulsions, as did many other leaders of his time, when a new situation suddenly burst forth. He tried to scan everything and find a sort of order out of hodge-podge; and this is what is termed as constitutionalism when we talk of Quaid-i-Azam. This attitude of his was neither a

state of rigidity nor a form of mental stagnation; it was a continuous awareness of the intricacies of every situation and the manner in which it was to be handled.

This attitude was cultivated through close association with saner elements from his boyhood. During his stay in England as a student at the Lincoln's Inn, M.A. Jinnah devoted much of his time in reading and comprehending constitutionalism as it evolved in Britain. He would also listen to speakers in the Hyde Park, a world-famous institution, and thus cultivate in himself an awareness of two different methods by, at the same time, attending Parliament sessions. It was during this period that he caught the fancy of a Parsee leader from Bombay, Dadabhoy Naoroji. Dadabhoy had settled in England as a businessman and sought election to the House of Commons. Even at that time when the British political thinking had not yet sterilised, some Englishmen made Dadabhoy's election contest as a racial issue. Lord Salisbury, the Prime Minister of England, himself took up cudgels on behalf of the white race and called Dadabhoy "a black man". Jinnah, even at that time, saw the inaccuracy of British sentimentalism, but instead of reacting at that age in a hysterical manner, he strengthened in himself feelings of liberalism to campaign for the election of Dadabhoy. This grand old man had an impact on Jinnah and fitted in the constitutional frame of his mind.

Jinnah was learning his first political lessons in the School of Liberalism which at that time seemed to influence some leading politicians of Great Britain. Once, while in India, Jinnah said: "I want to be in London and enter British Parliament, where I hope to wield some influence. There I shall meet British statesmen on a footing of equality. They will be accessible to me, not in the same sense that I shall seek them and beg for interviews. They will want me and I shall want them." This sense of equal footing, self-respect and mutuality of desire to influence public opinion through logic and persuasion was nourished throughout his long career as a politician, a statesman and builder of a new sovereign state for the Muslims of the subcontinent. His young mind in those

formative years, when he stayed in England for studies at the Lincoln's Inn, gave him enough insight into the changing pattern of English society, the fluctuations in the British fortune and the conflict of opinion within the British Parliament itself.

It was the time of supreme power for Britannica, but it was also the beginning of a slide-back, and young Jinnah seemed to assess even at that time the future shape of things—how to chalk out a line which could not be rejected by Britain and which would eventually bring her to a situation where her own thinking would force her to surrender the rights of the Indian people. And when he returned to India and decided to practise in Bombay, a much larger canvass was available to him. As Sarojini Naidu referred to these years of the Quaid-i-Azam: "This favourite of fortune, suddenly faced with unexpected poverty, set out to conquer the world, equipped with nothing but the charmed missiles of his youth, his courage and his ambition." His very personality reflected his inner self as a man of imposing logic and sense of system. Always well-groomed, he cut a distinguished figure, for he loved a fine appearance and was unimpeachable in sartorial perfection. He did not pretend, nor did he try to beguile or seduce people by an artificial or imposed mannerism. He kept his traits of system in his conversation, dress and bearing, as also in politics, upto the last days of his life. To read him was not difficult, because his was an open, outspoken and clearly defined personality, and the acting Advocate General of Bombay, MacPherson, who asked Jinnah to work under him, found him a young man of perseverance, integrity and charm. The Quaid-i-Azam himself said later: "I have no malice towards any one despite political differences." He rose above personal incriminations and vindictiveness.

A small incident when he was a junior lawyer in Bombay depicts the unbending personality of Jinnah. An Englishman, Strongman by name, who was a senior member of the Bombay bar, was briefed together with M.A. Jinnah in a case, and on one occasion the young barrister had to go to Strongman's chamber

for consultation. Strongman behaved in an overbearing manner which Jinnah considered insulting. From that day, he stopped going to Strongman's chamber. Jinnah did not tolerate indecency in any form. Even the code of partnership in court cases was sacrosanct for him, and this was the essence of his constitutionalism. During the same period, he had occasional encounters with judges who, he believed, should also exhibit a decorum fit for the Bench. His penetrating cross examination baffled many. He did not indulge in rhetorics but supported his arguments by law. To quote an admirer: "He cast a spell on the judges, the juries, the solicitors and clients all alike. As a counsel he always had his head erect, unruffled by the worst circumstances. He has been our boldest advocate; no judge dare bully him. He will not brook insult. Jinnah's ready tongue and brilliant advocacy have warded off all judicial storms and won him all-round admiration." In politics he behaved exactly in the same way. He would remain unruffled in worst circumstances and warded off all political storms. This won him a unique position in the political arena of India, and this enabled him eventually to steer the ship of the nation clear of all vicis situdes. And he had a method in legal profession. "He will not grab money, but will stand for his just dues and no more. He is the embodiment of highest standards of the Bar." His strongest points as a speaker were his persuasive manner, lucid presentation, penetrating analysis and uncanny foresight.

With this frame of mind, nourished during his stay in England as a law student, and in Bombay as a successful practising lawyer, Jinnah could not look at Indian politics except as a problem of constitution. He stuck to this approach of his and carried the struggle for Pakistan as a constitutional change to put the nation as a whole and intact on the path to new glory and progress. Even during his stay in the Congress, he did not behave otherwise, nor did he lose sight of the constitutional tangle in which the three major partners—British, Hindus and Muslims—were stuck up.

The Congress continued to serve as a "safety valve" for India's new class of intellectuals. They provided a sort of barometer

to the rulers which way the educated elite wanted to move; at the same time they helped in splitting each intellectual—part of his leaning towards ideas imported from the West and part sticking to his old selfas an Indian. Although the Congress remained wedded to its original purpose, at last it moved to self-government under the British Crown. This modification in the programme of the Congress was announced at a session of the Congress held in 1906 which was presided over by Dadabhoy Naoroji, who had attracted towards him the young barrister, M.A. Jinnah, when the two were in England. The Congress attitude had alternated till then between professions of loyalty to the British Government and respectful requests for administrative changes and political reforms. The British Government, too, vacillated on many issues. Sometimes it promised reforms, at other times it resorted to ruthless measures of repression. Whenever the Government took legislative or executive measures which were in conflict with the aspirations and interests of the people, there were popular demonstrations, and thus the atmosphere remained charged emotionally.

It was in this atmosphere of the Seditious Meetings Act of 1908 and the Criminal Law Amendment Act of 1910 that the Quaid-i-Azam began taking increased part in the politics of the subcontinent. From the very beginning, he abhorred violence and, therefore, favoured the line chosen by statesmen like Dadabhoy Naoroji, Gokhale, Bannerjee, and C.R. Das "whom he adopted as his political Gurus". They provided nourishment for his own feelings, and gave him the necessary encouragement that politicians in India had the opportunity of remaining clean and above board. He learnt from the very beginning that there could be no compromise on principles. To these principles, he stuck to the last moment. To him, progressive ideas were ideas which arose out of liberalism. The 1906 session of the Congress at Calcutta, which was attended by M.A. Jinnah as Personal Secretary of Dadabhoy Naoroji, with whom he stayed as the guest of the Maharaja of Darbhanga, provided him his first opening. This session brought about a change in the Congress attitude, and progressive demands for reforms

and political changes were formulated. A new swing in the Indian political thought and strategy, therefore, embraced M.A. Jinnah from the very beginning.

Gandhi arrived from South Africa in 1914, and his arrival injected a new element in the Indian politics, particularly of Congress. Soon after, the character of each man—Gandhi and Jinnah—was exhibited in contrast. A garden party was given by Jehangir B. Petit at his house where the elite of the city came in hundreds, dressed elegantly for a glamorous party, including Gandhi and Jinnah. Gandhi arrived in his "short *dhoti* and a kathiawari *angrakha* and *sapha*". At another occasion, a literary society presented a welcome address to Gandhi. The meeting was presided over by Jinnah who welcomed Gandhi for his services to the Indian community in South Africa. Gandhi, clad in *dhoti*, spoke in Gujerati; Jinnah, dressed in a suit, used English. The two personalities were thus brought close at a very early stage to know and be distinguished from each other; one a pretender and a mobocrat; the other an open personality, plain-speaking and forthright, with no desire to play with the sentiments of the people but to do and say what he felt was right. This difference of personal conduct was reflected in their political activities throughout the over three decades during which they spoke first from one platform and later completely parted their ways. Basically, it was a difference in weaponery; one believed in cunning manoeuvring, the other in method, logic and constitutionalism.

JINNAH VERSUS GANDHI

WORLD War I gave a new complexion to political and administrative trends in the subcontinent. Even though the British had won the war, they became aware of new urgencies of administrative policies, and actually initiated a half-hearted process of India's constitutional advancement. By and large, the Indian population had been loyal to the British during the war. Recruitment of soldiers was smooth and unhindered, and they fought almost all over the war theatre. There were no mass scale demonstrations, and no pressures from political parties for early and drastic constitutional reforms. Therefore, the British remained largely concerned with two aspects of India's political life. There should be no violence, and any attempt in this direction must be put down ruthlessly; and secondly, India should be noseled to a constitutional pattern of British liking. This gave an indication of the direction in which India was to move in the coming year.

It was not a one-sided development; the political elements in the subcontinent also became active. They visualised new developments and hence evolved their strategies to have their due share in the future administration. In October, 1916, some elected members of the Imperial Legislative Council addressed a memorandum to the Viceroy on the subject of reforms. The memorandum was considered an important venture, and the suggestions were extensively debated. Two months later the Congress and the Muslim League met jointly at Lucknow, and adopted unanimously a scheme of reforms. The general mass of the Muslims approved the Congress-League scheme, the first point of which was maximum administrative and financial autonomy to the provinces. The ball was thus set rolling and things appeared to assume some visible shape. Two phrases took birth in the papers of the Government: Self Government and Responsible Government. Both conveyed the

idea of representative Government and they eventually emerged in the form of elected Governments in the provinces under the 1935 Act. The interim stage was the Montague-Chelmsford Report and the 1919 Act which envisaged a small measure of transfer of authority to elected bodies.

The war and its aftermath also brought forth distinct political viewpoints in the Indian politics. The Hindu-Muslim unity which swayed the subcontinent during the first world war and primarily hovered around the Khilafat, gradually disappeared and Gandhi and Jinnah came to adopt conflicting attitudes towards political and constitutional problems. Their differences primarily arose from the difference in their approach, but essentially they emerged from two distinct mentalities. Jinnah did not believe in political expediency and stuck to constitutionalism, and hence was forthright, open and clear. Gandhi was sneakish in approach, cunning in methods and hence dictatorial. When he could not dictate, he resorted to underhand means, or pushed the people into a turmoil through his non-violent and non-cooperation movements. Jinnah considered this against the logic of the situation as well as in conflict with accepted political morality. Gandhi's tactics drove the two main communities of the subcontinent apart, eventually throwing them into the fire of civil war. Jinnah did not approve of Gandhi's ways, and therefore availed himself of every opportunity to attack the Government. As a constitutionalist, he believed that every word he uttered in the Assembly carried weight. And, therefore, whatever he said was not a rhetoric; it was logical, calculated and fully evaluated.

Jinnah's calculations were correct because they were based on true appraisal of the British intentions and thinking and the inherent imbalance in the policies of Gandhi, who had unfortunately taken possession of the Congress and the Home Rule League. At last Jinnah, along with his other colleagues, succeeded in exposing Gandhi's tactics by quitting the Home Rule League. A short time before this, that is in September 1920, the Congress and the Muslim League held simultaneous meetings at Calcutta; the

Congress meeting was presided over by Lala Lajpat Rai and the League meeting was chaired by Jinnah. The questions to be taken up were Khilafat—which had brought the two communities closer—and the non-cooperation call of Gandhi. Here, too, Jinnah did not want to enforce his own judgement. He was opposed to any form of non-cooperation and knew that it would flop, but in his presidential address to the League congregation he said: "It rests with you alone to measure your strength and to weigh the pros and cons of the question before you arrive at a decision."

When Jinnah's resignation against Gandhi's "palpably wrong ruling" while presiding over the Home Rule League meeting was received by Gandhi, he asked Jinnah to reconsider the decision. Jinnah had seldom acted in a hurry, so his decisions were seldom reversed. The letter which he wrote to Gandhi in response to the reconsideration plea indicates the depth of his vision and the link between various conflicts at that time inflicting India's political life. Jinnah said: "I thank you for your kind suggestion, offering me to take my share in the new life that has opened up before the country. If by 'new life' you mean your methods and your programme, I am afraid I cannot accept them; for I am fully convinced that it must lead to disaster. But the actual new life that has opened up before the country is that we are faced with a Government that pays no heed to the grievances, feelings and sentiments of the people, that our own countrymen are divided; the Moderate Party is still going wrong; that your methods have already caused a split and division in almost every institution that you have approached hitherto, and in the public life of the country not only amongst Hindus and Muslims but between fathers and sons; people generally are desperate all over the country and your extreme programme has for the moment struck the imagination mostly of the inexperienced youths and the ignorant and the illiterate. All this means complete disorganization and chaos. What the consequences of this may be, I shudder to contemplate; but I, for one, am convinced that the present policy of the Government is the primary cause of it all and unless that cause is removed, the effects must continue. I

have no voice or power to remove the cause; but at the same time I do not wish my countrymen to be dragged to the brink of precipice in order to be shattered. The only way for the Nationalists is to unite and work for a programme which is universally acceptable for the early attainment of complete responsible Government. Such a programme cannot be dictated by any single individual; he must have the approval and support of all the prominent nationalist leaders in the country; and to achieve this end I am sure my colleagues and myself will continue to work."

This was what Jinnah thought and said in 1920. His seemed to be the only voice at that time articulating the true aspirations of the people and pointing to the right course in the political life of India. Gandhi had disrupted the Indian population and had arrayed various sections against one another. This was what Jinnah had seen as early as 1920. The parting of ways with Gandhi had started, and a democrat had decided to oppose a fascist wherever he could to save the Indian people from the cauldron of death and devastation which Gandhi's self-centred leadership had planned. The desperate situation towards which Gandhi was dragging the country, and to which Jinnah had referred in his letter, was soon visible. A man of logic and method, and having regard for sense rather than sensibility, Jinnah felt that a single person, who was more of an actor than a practical politician, had befogged the minds of the people. He was at the same time aware of the craftiness of British imperialism and felt that Gandhi's tactics and fascist tendencies only weakened the people and strengthened the hands of the alien rulers.

Jinnah's frank and outspoken attitude was in conformity with his sense of democracy and constitutionalism. In February 1921, he happened to be the main speaker at a memorial function in honour of Gokhale, a principal of the Ferguson College, Bombay, arranged by the Servants of India Society. While paying tributes to the departed soul, Jinnah referred to Gandhi's role and how he had forced the Congress to accept his non-cooperation resolution. He attacked both Gandhi and the unsympathetic Government

presided over by a "bureaucracy that held on tenaciously to the *status quo*". He was convinced, he said, that Gandhi's boycott programme was "utterly wrong". "I have great respect and admiration for him, but I am sure he is taking the country to a wrong channel", he said. And when some of the audience shouted at him as a protest, the indomitable, cool man, unbending like a towering steel pole, said: "In my opinion, what we want is a real political movement based on real political principles and based on the fire which burns in the heart of every man for his motherland. So long as they do not have this as the basis, our programme is defective." He insisted that if resort had not been taken to boycott, they would have returned at least 30 members in the Assembly who would have made it impossible for the bureaucracy to push forth whatever they wanted.

To reject Gandhi and his boycott programme at that stage when the sentiments were charged, was not an easy task. Everybody was in a mood to be taken away by the tide. Jinnah foresaw the consequences of the move and kept aloof. But he never allowed the other party, the British Government, to use him or his colleagues against Gandhi's movement. The Government issued letters to a number of leaders, Jinnah being one of them. He promptly replied, "The non-cooperation movement is only a symptom and expression of general dissatisfaction, owing to utter disregard of public opinion and of outstanding grievances .... Leave alone the bulk of the people, even the intellectual and responsible section is far from satisfied with the present policy of the Government .... Is it possible for them to support or stand by the Government when the Government has paid no heed to what they have urged for the last nine months?" No underhand dealings, no compromise on principles, no sneakish methods or hitting below the belt; this was what Jinnah stood for. This helped him to adopt clean politics and at the same time to arrive at correct and logical decisions. He concentrated on his work in the Assembly to activate the process of reforms as far as possible.

It was in line with his evaluation of the new political and constitutional outlook in the subcontinent that Jinnah launched his attacks on the India Act and the bureaucracy in the Indian Assembly. The reluctance of the bureaucracy to allow India to march ahead, the completion of the Army, the examinations for the posts of ICS, and delay in grant of Dominion Status to India, were some of the subjects the Quaid brought under attack. He was convinced that the best way to effect early liberation of India was to accelerate the pace of reforms to which the British had in the past become amenable. And for that purpose, opinion expressed on the floor of the House counted more in the eyes of the English rulers than slogan-mongering in streets. Jinnah's calculations turned out to be correct, and his and his colleagues' arguments in the Assembly caused the appointment of a committee with the Home Member, Muddiman, as Chairman. This committee was required to examine and report whether the existing Act needed amendments or replacement.

The British, though pushed on to the path of granting constitutional reforms to India, did not want to hurry with the process, and Muddiman managed to obtain a majority report favouring the slow pace of the British. The Quaid was also on the Committee, and he would not let Muddiman have smooth sailing. He opposed Muddiman at every step, and in these efforts he succeeded in listing the support of persons like Tej Bahadur Sapru. In opposition to Committee Chairman's majority report, Jinnah and his associates appended their own report saying that only fundamental changes in the Act would be acceptable to them. No lesser measure could meet the needs of the situation.

The battle on the floor of the House was both rewarding and interesting, and revealed the immense capabilities of Jinnah as a constitutionalist and the potential of his constitutionalism to force the British to move forward with reforms. Government benches resisted the tabling of minority report in the House, and gave permission for moving the majority report only. To this majority report of the Government, Moti Lal Nehru tabled a motion

demanding immediate self-government, and it was again the giant of the House Jinnah who lent powerful support to Moti Lal's amendment. Jinnah's was such a persuasive and powerful speech that it swayed the House like a torrent. Moti Lal's motion was carried with 72 votes to 45, and the House battle had once again proved to be rewarding. Jinnah had always stood for fights in the House which he considered the only available course to the path of India's emancipation. He would never favour boycott of the House or other unconstitutional methods to keep the ball rolling, and in this respect he was unfalteringly consistent in contrast to the conduct of Gandhi and his associates. The history of the sub-continent shows that Jinnah's constitutional consistency forced the reluctant and crafty Englishmen gradually to part with power and thus prove their adherence to constitutional way to India's freedom which Jinnah had heard them saying in the British Parliament when he was a student at the Lincoln's Inn.

Between 1919 and 1924, the Muslim League did not seem to exist as a separate body and invariably held its meetings along with the Congress. But Hindu fanaticism and Gandhi's extreme steps did not allow Hindu-Muslim unity to continue for long. With the erosion of the semblance of unity, the Muslim League was obliged to have a new look at the situation which was fast developing. In 1924, it held a meeting of its own, with Jinnah in the chair. By that time, the Quaid had sufficiently evaluated the new trends, though he did not give up his efforts to keep the two communities at peace with each other. He strongly felt that constitutional reforms could not be put off by the British for long and that circumstances would soon compel them to part with their authority.

Before the meeting, Jinnah in a press statement listed two issues to be the main subject of discussions in the meeting: the proportion of representation in the legislature and local bodies, and the percentage of Muslims in the services of the country. He said: "The settlement with regard to these questions can only be brought about by a spirit of '*give and take*'. For that purpose,

it is necessary to infuse a friendly feeling and a sense of fairness on both sides. Unfortunately, the recent rivalry displayed by the *Shuddhi* and the *Sangathan* movements have roused prejudices on cow-killing and the playing of music near mosques. These are the outstanding features of the trouble, and we desire, if possible, to make both parties cry halt in that direction and inculcate in both parties a spirit of 'live and let live'. All this can be done when we have once more made the All-India Muslim League a living and well-organized political body, with branches all over the country. It is then alone that leaders will be able to speak with authority and be in a position to bring about a complete settlement which will be acceptable to the Muslim public." In this brief statement, Jinnah's outlook on politics is fully exhibited. He did not believe in one-man show, nor in shuttlecock political activity entirely subservient to expediency. He wanted a public awakening and public participation in the affairs of the country.

Under Jinnah's chairmanship, the League meeting of 1924 insisted on immediate reforms of far-reaching consequences. He was aware of the implications of a British pattern in which the majority community was sure to hold reins of power. He also knew that even in a federation, the majority would have main authority in the centre. He, therefore, accepted federation as the future shape of India's constitution with full provincial autonomy. He seemed to be the first Muslim leader to understand that the British were soon to move along constitutional reforms of increasing dimensions under the pressure of circumstances. In this process, only a constitutional activity could grant the Muslims their due status and rights. He believed that violation could not be helpful for any minority, more so for the Muslims, for whom both the British and the Hindus had no sympathy. Both seemed to be in league against the erstwhile rulers of the subcontinent, and with their military might having disappeared the Muslims could not ignore the constitutional pattern which was emerging in the subcontinent. To Jinnah, a constitutional slavery was more tyrannical and hence must be avoided with maximum effort. The struggle for power,

under the British, had, therefore, begun. It was precisely for this reason that in the December, 1924 meeting the Muslim League was emphatic that India must be a federation, and any territorial redistribution shall, in no way, affect the Muslim majorities in the Punjab, Bengal and NWFP. Two nations had thus emerged in the constitutional framework of India.

As far back as 1920, Jinnah had warned Gandhi against his extreme and fascist methods, which he said were causing widespread division in the subcontinent. The warning signalled by Jinnah was not heeded and the reckless and unpredictable politicking plunged the country in communal riots five years later. Jinnah did not falter in his efforts to keep the two communities united. He could not approve of violence in any shape, and wanted Hindus and Muslims to remain in peace and harmony in the larger interest of the subcontinent, particularly at a stage when Britain showed signs of introducing constitutional reforms. While he was making these efforts, communal riots took place in Delhi, Calcutta, Allahabad and a number of small cities in July, 1925. Scores were killed and many hundreds injured when pitched battles were fought in the streets. In Hyderabad (Deccan), rioting took a very serious form and during the *Eid-ul-Azha* celebrations, the Hindus raided Muslim localities and indulged in unbridled murder, loot and arson. Gandhi, as usual, had comments typical of his mentality. He said: "If it is to be our lot that before we can come together we must shed one another's blood, I say the sooner we do so the better for us". The apostle of non-violence, thus advocated the use of violence to bring about unity, a mentality which was conspicuous in the Congress throughout the subsequent years of struggle for independence.

This statement of Gandhi was issued from Calcutta, and a year later his desire was fulfilled in the same city. Communal riots, initiated by *Arya Samajis* continued for six weeks, and many lost their lives. Death lurked almost in every lane, and murder was rampant in every nook and corner of the city. In the six weeks of rioting, over a hundred attacks were made on mosques and temples.

About 125 persons were killed and more than a thousand were injured. Even though the Viceroy, Lord Irwin, made a personal appeal for communal peace "in the name of Indian national life and of religion", the places of worship continued to smoulder. In May 1927, a new outburst of communal riots took place. Between May 3 and 7, about 30 persons were killed and three hundred injured in Lahore. Then came riots in Multan, Bareily, and a number of places in Bihar. In the Central Provinces, Nagpur reported 20 killed and 125 injured. The *Arya Samajis* were resorting to most detestable methods and circulated pamphlets against the Holy Prophet, and it was on account of this that Ghazi Abdur Rashid put to death Swami Sradhananda, the author of "Rangila Rasul". To stop this, the Indian Assembly passed a Bill making "with deliberate and malicious intention of outraging the religious feelings of any class" an offence punishable for two years rigorous imprisonment. The damage was, however, done. The people of the subcontinent were ruthlessly divided, primarily on account of the whimsical decisions of a single person who happened to become the foremost leader of the Hindus. Jinnah was to fight a constitutional and political battle against an unconstitutional demagogue who did not believe in any principles or known methods of politics.

The Hindus wanted to use every method to emerge as sole custodians of India. Jinnah, as a constitutional wizard, defeated them at every step through the force of logic and the spirit of accepted norms of constitutions for a multi-national country. As was correctly visualized by Jinnah, the British Government appointed towards the end of 1927 a statutory commission to inquire into the working and future of the Indian Constitution. The Commission was an "all-white" body, and the Secretary of State for India, Lord Birkenhead, claimed that it was so done as there was no hope of drawing a unanimous verdict in case the Indians were also represented on the Commission. He called the Commission an "exceptionally intelligent jury coming to India with no pre-conceived prejudices".

The reply to the Secretary of State about his "intelligent jury" could come only from a "jurist" like Jinnah. It was a rebuff that aroused the entire Indian public. He said: "Lord Birkenhead has relied upon the history of India written by his ancestors and has drawn conclusions which are opposed to the present conditions in India. If he has convinced the British people and Parliament that India is a museum of differing communities and interests and that she is seething with warring factions, then India's case for responsible government stands condemned. What is the good of going through the force of appointing a Parliamentary Commission by a cabinet whose spokesman has summed up the position of India and condemned it in advance? If Lord Birkenhead, in selecting the personnel of the Commission, had to consider the conflicting school of thought in England regarding India's advance and had to secure two members of the Tory Party, one member of the Liberal Party and two members of the Labour Party and two representing the blue blood of England, what wonder is there that we may also require a few men to represent a vast country like India and the various interests concerned? The underlying idea is the arrogant assertion of the principle that the Indians cannot be allowed to share in the responsibility or in the decisions that are taken concerning the future constitution of India . . . ."

This rebuff echoed throughout India and aroused the genuine public anger against the Simon Commission. "Go back Simon Commission" was the slogan that swept the subcontinent, and the Commission had actually to go back.

The Congress, a voluble body led by an unpredictable Gandhi, reacted differently. It called a meeting of the All Parties Conference which appointed a committee of its own with Moti Lal Nehru as its head to prepare a document on the future shape of India. The Nehru Report was essentially a Congress document, or more precisely a Hindu majority document. It refused to recognise the patent fact of the existence of religious communities in India. The verdict of the committee on this issue was that "if the fullest religious liberty is given, and cultural autonomy provided for, the communal

problem is in effect solved, although people may not realise it". It was a wrong assumption and a meaningless phrase. How could the communal problem be solved and yet remain unrealised when the entire Indian population including the Congress was swayed primarily by religious feelings? On this false notion, no seats were to be reserved for Muslims except at the Centre and except in the provinces where they were in minority.

The Congress-sponsored constitutional steam-roller was now visible; it was about to move in a blind alley. The Muslims were worried that the provision of separate electorate which had been granted to them in 1909 was sought to be taken away by the Nehru Report. Shoaib Qureshi, who happened to be in the Nehru Committee, disagreed with a number of proposals, but his objections were brushed aside by the brute majority. The Muslims immediately swung away from it, and formed a unity of their own. Even the Muslim League factions drew closer, and an All-India Muslim Conference held at Delhi declared that "the only form of government suitable to Indian conditions was a federal system with complete autonomy and residuary powers vested in the provinces" and that "separate electorates were to continue".

The Muslim reply to Nehru Report had thus been conveyed through this resolution. Jinnah was aware of the quagmire to which Congress hotheadedness was dragging the people of the subcontinent. He wanted an agreement between the two main communities so that the constitutional advance towards India's emancipation could gain momentum. He tried to persuade the All-Parties Convention about to meet at Calcutta in 1928—that is, before the All India Muslim Conference held under the chairmanship of the Agha Khan—to accept some of the demands of the Muslims who constituted a very important segment of the Indian population. Along with Tasadduq Ahmed Khan Sherwani, a nationalist Muslim, Jinnah suggested that the committee appointed by the All-Parties Convention should negotiate with the Muslims

to make modifications in the Nehru Report. The modifications suggested by Jinnah and Tasadduq were:

1. One-third of the elected representatives of both the houses of the Central Legislature should be Muslims.
2. In the Punjab and Bengal, in the event of adult suffrage not being established, there should be reservation of seats for the Musalmans on population basis for ten years subject to a re-examination after that period, but they shall have no right to contest additional seats.
3. Residuary powers should be left to the provinces and not rest with the Central Legislature.

This was Jinnah's attempt to remove hurdles in the way of India's march towards basic constitutional reforms. He had foreseen a radical change in the situation in the near future and at the same time was cognizant of somewhat childish lust of the Congress for full control of India under British supremacy. The Congress-sponsored committee of the All-Parties Convention rejected Jinnah's suggestions. He moved them one by one and forwarded lucid arguments in their favour. The blindfolded Committee rejected every one of his arguments, and the proposals were thrown out. It was in this atmosphere that he drew up his famous fourteen points which gave a clear direction to the Muslim thinking in India. These points were an attempt to solve the constitutional problem of India in a peaceful and constitutional manner in which the majority as well as the minority was promised its due share.

The points, which were approved by the League, said: Whereas the basic idea on which the All-Parties Conference was called in being and a convention summoned at Calcutta during Christmas eve, 1928, was that a scheme should be formulated and accepted and ratified by the foremost political organisations in the country as a National Pact; and whereas the Report was adopted by the Indian National Congress only conditionally for the one year ending 31st December, 1929, and in the event of the British Parliament not accepting it within the time limit, the Congress stands committed to the policy and programme of complete independence by resort to civil disobedience and non-payment of taxes; and

whereas the attitude taken up by the Hindu Mahasabha from the commencement through their representative at the convention was nothing short of an ultimatum that, if a single word in the Nehru Report in respect of the communal settlement was changed, they would immediately withdraw their support to it; and whereas the National Liberation Federation delegates at the convention took up an attitude of benevolent neutrality and subsequently in their open session at Allahabad adopted a non-committal policy, the non-Brahmin and depressed classes are entirely opposed to it; and whereas the reasonable and moderate proposals put forward by the delegates of the All-India Muslim League at the convention in modification were not accepted, the Muslim League is unable to accept the Nehru Report. The League, after anxious and careful consideration, most earnestly and emphatically lays down that no scheme for the future constitution of the Government of India will be acceptable to the Musalmans of India until and unless the following basic principles are given effect to to safeguard their rights and interests:

1. The form of the future constitution should be federal with the residuary powers vested in the provinces.
2. A uniform measure of autonomy shall be granted to all provinces.
3. All legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even equality.
4. In the Central Legislature, Musalmans' representation should not be less than one-third.
5. Representations of communal groups shall continue to be by means of separate electorates as at present; provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorate.
6. Any territorial redistribution that might at any time be necessary shall not, in any way, affect the Muslim majority in the Punjab, Bengal and NWF Province.

7. Full religious liberty, *i.e.*, liberty of belief, worship and observance, propaganda, association and education shall be guaranteed to all communities.
8. No bill or resolution or any part thereof shall be passed in any legislature or any other elected body if three-fourths of the members of any community in that particular body oppose such a Bill, resolution or part thereof on the ground that it would be injurious to the interests of that community, or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.
9. Sind should be separated from Bombay Presidency.
10. Reforms should be introduced in the NWF Province and Baluchistan on the same footing as in other provinces.
11. Provision should be made in the constitution giving the Musalmans adequate share along with the other Indians in all the services of the State and in local self-government bodies having regard to the requirements of efficiency.
12. The constitution should embody adequate safeguards for the protection and promotion of Muslim education, language, religion, personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by the self-governing bodies.
13. No cabinet, either Central or Provincial, should be formed without there being a proportion of at least one-third Muslim Ministers.
14. No change shall be made in the constitution by the Central Legislature] except with the concurrence of the States constituting the Indian Federation.

CONSTITUTIONAL ENIGMA UNRAVELLED

THE Quaid was not a mere constitutional debater; he was also a constitutional fighter and had a political objective to be reached without use of force or resort to lawlessness. For this purpose, he would avail of every opportunity to articulate the rights of the Indian people, to effect reconciliation between the two main communities in the country, and to evolve a joint framework on which to build the future polity of the subcontinent. He kept an eye on the developments in Britain and her Parliament too and whenever an opening was available, he fired the shot. His whole plan was to unite the entire Indian population so that the British would themselves surrender power, of course, peacefully and without bloodshed. He was grieved at the communal riots; he was unhappy over Gandhi's extreme and somewhat unpredictable methods; he could also not reconcile himself to the arrogance of the British bureaucracy and parliamentarians. He was aware, he once said, of the existence of a clique in England which had surrounded the India Office. The deliberate exclusion of Indian leaders from the Simon Commission annoyed him. But all these conflicts and confusions did not impair his fighting spirit, nor did they alienate him from the Hindus and the British.

During the second half of nineteen twenties, he twice visited England and tried to have a clear view of British thinking and a detached view of the Indian scene. When he returned to India after his second visit, a change of Government took place in England and the Tories were replaced by the Labour, with Ramsay MacDonald as the Prime Minister. The much-disgraced Simon Commission, therefore, had to submit its report to the new Government. In June, Lord Irwin was in England to hammer the urgency of reforms, and Jinnah immediately took note of the new situation. He felt that the new Government of England

should be approached in the changed atmosphere and immediately sent a letter to Britain's new Prime Minister in which he explained the constitutional muddle into which his predecessor had thrown India and Britain.

The lengthy letter sent on June 19, 1929, is being quoted in full to provide an idea of the insight and vigour of the Quaid in forcing Britain's Chief Executive to fulfil promises which his predecessors had made and had then resorted to delaying tactics. How strenuously he worked at all levels to unravel the constitutional enigma is amply clear from this letter. Soon it was found to have its effect, though Gandhi and his henchmen again tried to behave as spokes in the wheel of constitutional reforms which Jinnah tried to move with great effort and ingenuity.

In his letter to Britain's new Prime Minister, Mr. MacDonald, Jinnah said: "I think you will remember our conversation in July last while I was in London. In view of what you said to me then and the great kindness with which you treated me I am encouraged to feel that I must place before you the situation as it presents itself to me. In the solution and settlement of this question vital interests of Great Britain and India are involved, which I think you appreciate and understand more than anybody else as you possess personal knowledge of India during the time you were on the Islington Commission. But much water has run down the Thames and the Ganges since then. The present position is a very serious deadlock and if allowed to continue, it will, in my judgment, prove disastrous both to the interests of India and Great Britain.

"The Simon Commission was boycotted by political India, of which there can be very little doubt. The exclusion of Indians from the personnel of the Commission from the start to the finish relegated the Indians to the position of supplicants and assessors, and let me tell you, whatever you may hear to the contrary, you will never get political India to co-operate with the scheme further if the various stages of the scheme are adhered to strictly. But the task of the Simon Commission, as it was repeatedly declared

by responsible men and the press in England, was that of a *rapporteur*.

"So far as India is concerned, when the report, whatever it may be, is published in due course, every effort will be made in India to damn it. Of course, this is on the assumption that it will not be satisfactory, which is already assumed in India. After the publication of the report, if the programme and the plan of the scheme of the Commission as announced are adhered to, as I understand they will be, His Majesty's Government will wait until they get the considered opinion of the Government of India on that report and after that they will formulate the Joint Parliamentary Committee without the House definitely committing itself with regard to these proposals of His Majesty's Government; and that at this stage the Indian representatives will be given the opportunity to place their views before the Joint Parliamentary Committee. What chance of success is there in these efforts to get at that stage any modification of a substantial character at the hands of the Joint Parliamentary Committee?

"It strikes me, and I think you will agree, that in the normal course there will be no chance of getting the Joint Parliamentary Committee to make any radical change, and my reasons are as follows:

"The Joint Parliamentary Committee will be in this position. They will have, in the first instance, before them the recommendations of the Simon Commission; secondly, the views and the proposals of the Government of India, which I assume will be reactionary—and that is the opinion and feeling in India—and with these materials before them the definite proposals which will be formulated by His Majesty's Government will be referred to the Joint Parliamentary Committee. I should have thought that at that stage, so far as the principles underlying the proposals are concerned, we shall stand not only precluded but barred from suggesting any modification of the fundamental principles of the proposals as referred to the Joint Parliamentary Committee by

the House, and all that can at that stage be done reasonably and with any success would be to discuss and, if possible, to modify the details of these proposals. If that is all the advantage that is still open to the Indian representatives, can you conceive that political India having boycotted the Simon Commission and the scheme at the stage of enquiry and investigations could now be induced to cooperate directly or indirectly with the further stages of the scheme when, as I have pointed out, no real useful purpose would be served?

"India has lost her faith in the words of Great Britain. The first and foremost thing that I would ask you to consider is how best to restore that faith and revive the confidence of India in the bonafides of Great Britain. His Excellency the Viceroy, Lord Irwin, addressing the Legislature on 28th January, 1929, attempted to perform this task. This is what he says: 'But I tell this Assembly again, and through them India, that the Declaration of 1917 stands and will stand for all times as the solemn pledge of the British people to do all that can be done by one people to assist another to attain full national political status and the pledge so given will never be dishonoured. And as actions are commonly held more powerful than words, I will add that I should not be standing before you here today as Governor-General if I believed that the British people had withdrawn their hand from the solemn covenant. Those, therefore, who preach that a new generation has arisen in England which seeks to explain away the significance of 1917 declaration are, consciously or unconsciously, but nonetheless really misrepresenting the purpose of Great Britain and poisoning the wells by which the common life of India and Great Britain is supported and sustained.'

"You will notice from this quotation that I am not singular in my opinion that India is fast losing her faith in Great Britain. The reason again for this is not far to seek. In 1924, in the course of an important debate in the Legislative Assembly on a resolution urging the Government to take steps to review the Government

of India Act with a view to establishing full responsible Government in India, Sir Malcolm Hailey, in the course of his speech on behalf of the Government of India, in effect, repudiated that the Declaration of 1917 and the preamble to the Government of India Act means that Great Britain was committed to the policy of granting full self-governing Dominion Status to India. He said: 'The pronouncement of August, 1917, spoke of the gradual development of self-growing institutions with a view to the progressive realisation of responsible Government in India.' That is also the term used in the preamble to the Act; that is the term used in the Royal Warrant of Instructions, which adds that thus will India be fitted to take her place among the other dominions. The term has its significance. We know that it was deliberately chosen. The Congress and the League had asked the Imperial Government to proclaim its intention to confer self-government on India at an early date and the Cabinet chose the present term. The expression used in the Act is a term of precision conveying that the Executive in India would be responsible to the Indian Legislature instead of to the British Parliament. If you analyse the term 'full dominion self-government', you will see that it is of somewhat wider extent conveying that not only will the Executive be responsible to the Legislature but the Legislature will in itself have the full powers which are typical of the modern dominion. It may be, there is some difference of substance because responsible government is not necessarily incompatible with a legislature with limited or restricted powers. It may be that full dominion self-government is the logical outcome of responsible government; nay, it may be the inevitable and historical development of responsible government, but it is a farther and a final step.

"Further, you know in the recent publication of the memoirs of Lord Curzon, I think, it was discovered that there was some difference of opinion as to the significance of the words which were finally adopted in the Declaration of 1917 between Lord Curzon and Mr. Montague. Along with this the policy of the

Government of India and His Majesty's Government since 1924 in turning a deaf ear to all reasonable demands has led almost every political party to come to the conclusion that there is no hope of getting any fair play.

"This being a short summary of the position, I would most earnestly urge upon you at this moment to persuade His Majesty's Government without delay to make a declaration that Great Britain is unequivocally pledged to the policy of granting to India full responsible government with Dominion Status. The effect of such a declaration will be very far-reaching and will go a great way to create a different atmosphere in the country. But, here again, I must admit, in the words of the Viceroy, that we must not forget that actions are held more powerful than words. Naturally, therefore, the next question that presents itself to all thinking men is what action or actions should be taken, and may I quote again from the same speech of Lord Irwin? This is what he says: 'It would seem evident, however, that what all people must desire is a solution reached by mutual agreement between Great Britain and India, and that, in the present circumstances, the friendly collaboration of Great Britain and India is a requisite and indispensable condition to obtain it. On the one side, it is as unprofitable to deny the right to Parliament to form its free and deliberate judgment on the problems as it would be short-sighted of Parliament to underrate the importance of trying to reach a solution which might carry the willing assent of political India.'

"May I suggest a solution, which I think would most probably be acceptable to India? His Majesty's Government, before they formulate their proposals and after they are in receipt of the Simon Commission Report and the views of the Government of India, and so, before they formulate their proposals, should invite representatives of India who would be in a position to deliver the goods (because completely unanimous opinion in India is not possible at present), to sit in conference with them with a view to reaching a solution which might carry, to use the words of the

Viceroy, the 'willing assent of political India'. If such an invitation comes directly from the Prime Minister on behalf of His Majesty's Government, I feel that it will be irresistible and if such a conference is held with men who are in the front and the foremost rank of political India, I am not unhopeful that a solution may be reached satisfactory to Great Britain and India.

"Will you, therefore, consider these proposals of mine with the care and attention that you can give them? In short, it comes to this: (1) declaration of policy, (2) followed up with an invitation from His Majesty's Government with a view to arriving at an agreement as to the future constitution of India before His Majesty's Government formulate any definite proposals and place them before Parliament. His Majesty's Government will be, as I have said before, armed already with the Simon Report and the Government of India's despatch on it; both of them, I assume, will not be satisfactory.

"As to the personnel of the representatives of India to be invited, you may well ask me by what method we are to get them. I have very carefully considered the pros and cons and I have come to the conclusion that if we are to elect our representatives in the Assembly and confine ourselves to the members of the Assembly, there are men outside the Assembly whose presence would be indispensable for a conference of the kind I am contemplating. On the other hand, if it is thrown open to non-members, it might lead to a great deal of canvassing and rivalry and we may not get the personnel we may desire. I think you yourself are fairly well acquainted with the names of prominent political leaders in India. But besides that, His Excellency the Viceroy, I think, by now knows pretty well who is who in the political world of India and further the members of the Government of India would be able to guide you, if necessary. But you must take upon yourself to invite such men as you may be advised to go over to London and confer with His Majesty's Government and sit in conference with the Cabinet. Of course, the number

should be, as far as possible, not very large. I should restrict the number to about 15.

"This, shortly, is the scheme which I would put before you, and I have no doubt that you will give your most earnest consideration to it."

It was a long letter, the first of its kind to be addressed by an Indian politician to a British Prime Minister. It was the first major attempt to lift India's constitutional problems to a level from where it could not be forsaken or ignored. The turmoil in India, the muddle created by MacDonald's predecessors, the Indian political leaders' new stature and their significant voice, all these facts were clearly put before the Prime Minister at a time when he could be amenable to any new idea or proposition. Labour and Tories were known to possess somewhat divergent views on Britain's overseas colonies, and the Quaid felt—and correctly—that he could penetrate beyond the rigid bureaucracy and open a new course both for Britain as well as India. Only a logical mind and a constitutional attitude could uncover this opportunity. The arrow shot by Jinnah hit its target, and soon Viceroy Irwin returned to India with a new plan and a new offer. Instantly, the whole issue was raised to a level of urgency and joint responsibility of Britain and India. And again it was Gandhi who obstructed the passage by his pretensions, miscalculations and unavailing obstinacy.

Irwin returned to India in October 1929, and immediately issued a declaration in which he reiterated the goal of the British policy, as announced in August, 1917, "to be that of providing for the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire". He said that his "own instrument of instruction from the King Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among the Dominions". He added that

"in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status". This point had been clarified, obviously in response to Jinnah's letter drawing the attention of the new British Prime Minister to the confusion which certain British Parliamentarians had created in incorrectly interpreting the Declaration of 1917.

Irwin also touched upon the issue of the Simon Commission which Jinnah had analysed in his letter. He said that the Simon Commission and the Indian Central Committee had submitted their report and "when His Majesty's Government have been able in consultation with the Government of India to consider these matters in the light of all the material then available, they will propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them separately or together as circumstances may demand for the purpose of the conference and discussion in regard both to the British Indian and All-Indian problems". Lord Irwin added, "It will be their earnest hope that, by this means, it may subsequently prove possible on these grave issues to submit proposals to Parliament which may command a wide measure of general assent. It is not necessary for me to say how greatly I trust that the action of His Majesty's Government may evoke response from, and enlist the concurrence of, all sections of opinion in India, and I believe that all those who wish India well, wherever and whoever they are, desire to break through the webs of mistrust that have lately clogged the relations between India and Great Britain. I am firmly assured that the course of action now proposed is the method by which we may best hope to handle these high matters, in the way of constructive statesmanship."

The constitutionalist Jinnah had won, and the process of constitutional reforms was now clearly in sight. Political India, as Jinnah and Irwin had described the Indian public opinion, was in the grip of a new stir and soon hectic political activity started in the subcontinent. But the Congress, or more precisely Gandhi, again carved out a different path. Jinnah and his associates accepted the proposal of a round table conference with the British Prime Minister to move speedily towards the Dominion Status. They appreciated the "fundamental change of procedure whereby the representatives of India will be invited to meet His Majesty's Government in conference for the purpose of arriving at the greatest possible measure of agreement regarding the proposals to be submitted to Parliament for the attainment of Dominion Status by India and thereby reaching a solution which might carry the willing assent of political India". The Congress, as usual, laid down conditions which included that representation in the Conference should be predominantly of the Congress. They also demanded that from then on the Government of India was to be carried on as if India were already a Dominion. Jinnah considered these conditions absurd; his constructive mind could not withstand such obstructive methods when the ball had been set rolling. He tried to persuade the Congress leaders to relax their rigidity and keep an open mind. But the Congress sandwitched between a cunning leader, Gandhi, and an emotionally distorted youth, Jawahar Lal, would not pause and ponder over the implications of what they were demanding. Jawahar Lal hurried with his own rhetorics and at the Lahore session of the Congress held on 31st December, 1929, he announced a programme of "national offensive". Complete independence was what he demanded, and thus threw his father's report, the Nehru Report, in the Ravi with his own hands.

All this was presumably done at the instance of Gandhi, who got a resolution passed by the Congress Working Committee two months later to launch a civil disobedience movement which

was intended to be a "fight to a finish". Soon the Viceroy defined the status of the Indian representatives at the Round Table Conference and its scope, making it clear that it was not going to be a conference merely for the sake of academic discussions. The views of Indian representatives would be fully considered, he said. Jinnah's logical attitude and the dictates of his orderly and methodical mind considered this assurance enough, and he, along with his colleagues, sailed for England. The Congress, insistent on being the sole representative of India, stayed behind.

MUSLIMS—A CONSTITUTIONAL ENTITY

SIMON Commission Report, which was published in two volumes, one surveying the entire Indian problem and the other making concrete suggestions, had not come up to the expectations of Indian leaders. But it gave an important verdict on the future shape of India's constitution which was in line with what Jinnah and many other Muslim leaders had been proposing. The Commission outright rejected the unitary form of Government and suggested that conditions in India and the views of various political leaders required India to be a federation. This meant more autonomy for the provinces, and with that a greater measure of responsible government. Thus, it was recommended that the whole of provincial government should be in the hands of the provincial ministers who should be responsible to elected legislatures. The Governors were, however, to continue to have the upper hand in the sense that they would choose the ministers from the majority party or parties. There were other recommendations, too, but the above suggestion had somewhat clarified the future course of India.

All parties welcomed the idea of a federation except the Congress, a hysterical political party in the grip of a despot. Therefore, all parties, except the Congress were represented in the three sessions of the Round Table Conference. Gandhi attended only the second session as the sole spokesman of the Congress, and in that capacity he only put spokes in the wheels that moved towards constitutional emancipation of the Indian people.

The first session of the Round Table Conference started on 12 November, 1930, with the British Prime Minister Ramsay MacDonald making the opening speech. Towards the end of his speech MacDonald said, "Things have been said in the past,

whether in anger, in blindness or for mischief, which we had better forget at this table." "Whatever be the story that is to be written of this Conference," he assured, "a story will be written. Let us strive to make it worthy of the best political genius of our peoples and to add it to the respect paid by the world to both our countries." These words showed that MacDonald had gone through Jinnah's letter carefully.

Jinnah, being among the first to speak on the opening day, was aware of an immense constitutional drama ahead. He had done his best to initiate a visible, constructive and sincere process of reforms in the country, which had been now accepted openly by the British. A path had been chalked out and all that was left was to push the caravan on it. He had to push two major reluctant forces, one, the Congress, and the other, the British. Now that the British had become willing partners in the march, the Congress headed, as it was, by an unpredictable leader, was thinking of appropriating the entire subcontinent to itself. Except perhaps for Jinnah's constitutional frame of mind, his immense capacity to understand the intricacies of a constitutional process, and his pride in his logic, method and clarity of thought, the Indian Muslims would not have been able to establish their separate and independent entity.

Reciprocating MacDonald's sentiments and his keen desire to effect a constitutional advance, Jinnah said that India expected "translation and fulfilment of these declarations into action". He hoped that all parties, interests and communities concerned would bring to bear upon the task before them "all the assurances of mutual trust, practical sagacity and statesmanship which they can command". "I am glad", he said, "we are here to witness the birth of a new Dominion of India."

When the plenary session started, the form of future Indian Government came under discussion—whether it should be unitary or federal. None could understand the implications of the two forms better and none could expound them more clearly than

Jinnah. His speech of 20th November in the full session of the Conference exhibits the depth of the vision which he possessed on any constitutional change or a transitional phase as far as India, a country of many nations, was concerned. Doing some plain speaking before the Conference, Jinnah said, "The first point I should like to deal with is the point with regard to the moral claims of Great Britain on the one side and the sins of omission and commission by Great Britain on the other." Then holding out an assurance that while putting his point frankly, he would not show any kind of bitterness, he said, "Let me tell you . . . without mincing words, there is no section . . . there is not a section in India that has not emphatically declared that India must have a full measure of self-government", and then added, "we must have regard to the facts and realities . . . we are here to hammer out a constitution for India which will satisfy the people of India . . . you cannot possibly frame any constitution unless you have provided safeguards for the rights and interests which exist in India." And then he referred to the burning question of the minorities and emphasised, "unless you secure willing cooperation and allegiance to the State (of the minorities), no constitution that you may frame will work successfully . . . The Musalmans demand safeguards for their community."

A month after Jinnah's address before the Round Table Conference in London, the All-India Muslim League met at Allahabad. Allama Iqbal, who chaired the League meeting, further amplified the reality of a separate nation of Muslims existing in India. He ridiculed the concept of a unitary government and said that "to base a constitution on the conception of a homogeneous India or to apply to India the principle dictated by British democratic sentiments is unwittingly to prepare her for a civil war". He also referred to the Round Table Conference in Britain and said, "But the discussion at the Round Table Conference of the communal question has demonstrated, more clearly than ever, the essential disparity between the two great cultural units of India.

Yet the Prime Minister of England apparently refuses to see that the problem of India is international and not national. Obviously, he does not see that the model of British democracy cannot be of any use in a land of many nations." This was in effect a resonance of what the Quaid had stated at the Round Table Conference. Muslim India was now more articulate and the main features of India's constitutional problems were becoming clearer with the passage of every day. All the parties which participated in the Round Table Conference accepted federation as the only form of government in India.

The turmoil created by the Congress in the subcontinent continued for some time. The Congress remained absent from the first session of the Conference in London which ended on January 19, 1931, with assurances from Ramsay MacDonald that his Government accepted the programme for full responsible governments in the provinces and at the centre a responsible government with some "features of dualism". These features of dualism had also been hinted by the Simon Commission. The British Government, meanwhile, decided, before the second session of the Conference started, to have the Congress also in the Conference. A sort of peace was made with it and the Viceroy was asked to come to some understanding with the Congress leaders, so that they could participate in the Conference. Gandhi was released unconditionally, after which a number of meetings between Irwin and Gandhi resulted in an agreement which came to be known as Gandhi-Irwin Pact. All curbs and ordinances issued against the Congress were withdrawn, their leaders were released, and fines, etc., were remitted. The Congress withdrew its civil disobedience movement.

The Muslims did not like such wide-ranging concessions to the Congress after it had tried to obstruct the march towards freedom with full protection of the rights of the minorities. Some of them considered it a victory of the Congress. Actually, it was a proof of the Congress leaders' miscalculation. Of course, the Hindu Congress could not be left out of any parleys that were to hatch

the future constitution for India. What, however, had happened in the Round Table Conference was that the rights of the minorities could not be overlooked, nor a unitary form of government be inflicted on India. But the attitude of the Congress in the second session of the Conference amply demonstrated that, as a bigoted Hindu organization saddled by pseudo-intellectuals of diverse shades, it could not exhibit any intellectual flexibility or moral capabilities to accept the right of other communities to exist as equal partners in India.

When the second session of the Conference opened on September 7, 1931, Gandhi attended as the sole representative of the Congress. In his arrogance, he insisted to be the sole representative of the entire population of India. Probably, he misconstrued his pact with Irwin and did not realise that constitutional giants were already in the Conference to uncover his shallow and intolerably selfish attitude as a major obstacle in the unity of India and her march towards an agreed constitution. Gandhi, as was expected of him, showed arrogance on all issues before the Conference. He reiterated the Congress claim that she stood for all sections of India's population and, therefore, he alone could speak with the British Government on the rights and future of India. He said that all other delegates in the Conference were not representative of the Indian people because they were not nominated by the Congress. Gandhi was India, and India was Gandhi, he seemed to tell the British Government.

The first session of the Round Table Conference had produced a resolution which was to form the basis of further discussions. In this resolution, Jinnah had played his part in bringing all the delegates to a consensus on the basic issue of minorities. The resolution said, "The Conference sitting in plenary session has received and noted the reports of nine sub-committees submitted by the committee of the whole Conference, with comments thereon. These reports, provisional though they are, together with the recorded notes attached to them, afford, in the opinion of the

Conference, material of the highest value for use in the framing of a constitution for India, embodying, as they do, a substantial measure of agreement on the main ground phase, and many helpful indications of the points of detail to be further pursued; and the Conference feels that arrangements should be made to pursue without interruption the work upon which it has been engaged, including the provision in the constitution of adequate safeguards for the Musalmans, Depressed Classes, Sikhs, and all other important minorities."

This resolution was not acceptable to Gandhi; he did not want a constitutional framework; he wanted entire India to be handed over to him as if it was a stretch of land where only cattle lived, of which he wanted to be the sole shepherd. A despot in political methods could not have a humanist approach to the problem, and hence he was opposed to any constitution to be evolved through consensus. Only a humanist, only a moral being, could be constitutional. This was what contrasted Jinnah and Gandhi. One was calm and clear, the other noisy and circumvent. Gandhi, thus, contributed very little in the Conference, and after making a claim that he was the sole authority to speak on behalf of entire India he was "unwilling to make any practical suggestion of his own for bringing a settlement."

The communal problem was what constituted the most difficult task before the Conference. The Minorities Committee hammered out all its aspects, but a consensus did not seem possible. And then, as was expected, Gandhi came forward with his party's scheme, a reproduction of Nehru Report, which, in fact, was scrapped by the Lahore Resolution of the Congress demanding complete and immediate independence. It was impossible for any minority leader to accept this Report. The Muslims, the Depressed Classes, the Indian Christians, the Anglo-Indians and the Europeans presented their own plan as a counter to Gandhi. This plan was not acceptable to Gandhi, and hence discussion on the issue was further postponed. When the second session of the Conference concluded

in December, 1931, the British Prime Minister appealed for the resolution of the communal problem. He then warned that if the Indian leaders did not arrive at an agreement, the British Government would put forward and enforce a provisional scheme of its own.

The third session of the Round Table Conference was again boycotted by the Congress. This Conference was called by the Joint Select Committee appointed by the British Parliament and headed by Lord Linlithgow to write down the constitutional outlines for India. Jinnah, too, was not on the Committee, and it failed to produce a consensus. The British Government decided to offer its own decision in the absence of what they called agreement between the Indian leaders. Summing up the Conference, Ramsay MacDonald said, "If you cannot present us with a settlement, acceptable to all parties as the foundation upon which to build, in that event His Majesty's Government would be compelled to apply a provisional scheme, for they are determined that even this disability shall not be permitted to be a bar to progress. This would mean that His Majesty's Government would have to settle for you, not only your problems of representation but also to decide as wisely and justly as possible what checks and balances the constitution is to contain to protect minorities from an unrestricted and tyrannical use of the democratic principle expressing itself solely through majority power."

The British soon came out with a plan of their own, which came to be known as Communal Award. Announced on August 4, 1932, the Award said, "(1) In the statement made by the Prime Minister in December last, on behalf of His Majesty's Government, at the close of the second session of the Round Table Conference, which was immediately afterwards endorsed by both Houses of Parliament, it made plain that if the communities in India were unable to reach a settlement acceptable to all parties on communal questions which the Conference had failed to solve, His Majesty's Government were determined that India's constitutional advance

should not on that account be frustrated and they would remove this obstacle by devising and applying themselves a provisional scheme; (2) On March 19 last, His Majesty's Government having been informed that the continued failure of the communities to reach an agreement was blocking the progress of plans for the framing of the new constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arise. They are now satisfied that, without the decision, at least, on some aspects of the problems connected with the position of the minorities under the new constitution, no further progress can be made with the framing of the constitution; (3) His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out in the proposals relating to the Indian Constitution to be laid in due course before Parliament. The scope of this scheme is purely confined to the arrangements to be made for the representation of the Indian communities in Provincial Legislatures, consideration of representation in the Legislature at the Centre being deferred for the reason given in para 20 . . . . The decision to limit the scope of the scheme does not imply a failure to realise that the framing of the constitution will necessitate the decision of a number of other problems of great importance to minorities but has been taken in the hope that, once a pronouncement has been made upon the basic question of the method and proportion of representation, the communities themselves may find it possible to arrive at a *modus vivendi* on the other communal problems which have not as yet received the examination they require; (4) His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing a modification of it, which is not supported by all the parties affected. But they are most desirous to close no door to an agreed settlement, should such happily be forthcoming. If, therefore, before the new Government of India Act is passed into

law, they are satisfied that the communities who are concerned are mutually agreed upon a practical alternative scheme, either in respect of any one or more of the Governor's provinces, or in respect of the whole of India, they will be prepared to recommend to Parliament that the alternative should be substituted for the provisions now outlined."

Gandhi reacted to the scheme in his usual way. After having boycotted two sessions of the Round Table Conference, attending only one, only to emphasise his right to speak on behalf of the whole of India, he seemed to be allergic even to the word 'minorities'. He could not conceive of the existence of any other culture, community or caste in India except the Caste Hindu. On reading the statement, he sent a letter to the British Prime Minister threatening that if the Award was not modified as he desired, he would start a fast unto death. He wanted a vacuum, a sort of complete chaos, for what purpose nobody could understand. Perhaps his inner voice goaded him on to that path. Jinnah was away in England in those days, and the Congress launched its movement and then abandoned it—a pattern which had become a sort of routine with it.

Jinnah returned to India in April 1934 and immediately a session of the Muslim League followed. The League Council accepted the Award "so far as it goes until a substitute is agreed upon by the various communities and parties to secure such future constitution for India as would be acceptable to the country". Jinnah saw a new form of battle ahead and felt that the League should emerge as the sole representative of the Muslims. As long as the Muslims remained disunited, the imminent constitutional battle would be lost, he felt. About the Communal Award he told the League session: "The emphasis which the Muslims place on the Communal Award is only an indication of their desire to make sure that any national demand, which they join to put forward on behalf of the country, will incorporate the safeguards which the Muslims consider to be a minimum. The Muslims are in no way

behind any other community in their demand for national self-government. The crux of the whole issue, therefore, is whether we can completely assure Muslims that the safeguards to which they attach vital importance will be embodied in the future constitution of India." Soon after he was returned unopposed to the Assembly before which the Joint Parliamentary Committee Report was immediately placed for discussion.

The debate on the Communal Award in the Indian Assembly demonstrated a new vitality of Jinnah's arguments and political acumen. When the Leader of the House put the motion for taking into consideration the report of the Joint Committee on Indian Constitutional Reform, the Congress Party leader, Bhulabhai Desai moved an amendment to the effect that the report should not be introduced for discussion as it was "conceived in a spirit of imperialist domination" and promised no real power to the Indians. Jinnah also moved an amendment which he divided in three parts to seek votes. The amendment sought: "(1) This Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities; (2) As regards the scheme of Provincial Government, this House is of the opinion that it is most unsatisfactory and disappointing inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the extraordinary and special powers of the Governors, provision relating to police rules, secret service and intelligence departments, which render the real control and responsibility of the Executive and Legislature ineffective, and, therefore, unless these objectionable features are removed, it will not satisfy any section of Indian opinion; (3) With respect to the scheme of the Central Government, called 'All India Federation', this House is clearly of the opinion that it is fundamentally bad and totally unacceptable to the people of British India, and, therefore, recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme, and urges that immediate efforts should be made to consider how

best to establish in British India a real and complete Responsible Government, and, with that view, take steps to review the whole position in consultation with Indian opinion without delay."

The amendment reflected a sane, constitutional and forward-looking mind which was desirous of availing of what was good in the Communal Award and pressing for what was still not available. There is no other way to wage a constitutional war, nor any method of building up public opinion for a forward march. Jinnah did not believe in staying away, like a sullen, deprived woman; he was always fresh, and fought with whatever weapons he had to push things on the right lines. His observations, while moving his amendment, did not show any bigotry or partisan attitude. He seemed to speak for the entire people of India and knew full well each section of the Indian leaders. He said: "It may be that our Hindu friends are not satisfied with the Communal Award, but at the same time I can also tell the House that my Muslim friends are not satisfied with it either, because it does not meet their full demand. And speaking for myself, personally, I am not satisfied with the Communal Award, and, again speaking as an individual, my self-respect will never be satisfied until we produce our own scheme. But I can tell the House that I accepted it because we have done everything that we could do so far to come to a settlement, therefore, whether I like it or whether I do not like it, I accept it because unless I accept that no scheme of constitution is possible."

This was the essence of his thinking. Stalemate, deadlock, boycott, these were not the things which could help India's forward march. Accept, amend, press and keep on pressing and reforming. This was how he conducted himself throughout his political career. All the three parts of the amendment were accepted, signifying a sort of personal triumph for Jinnah. A few months later Jinnah recalled the unity which the House had demonstrated in favour of his amendment, and said, "If I can achieve this unity, believe me, half the battle of the country's freedom is won."

NEW DIMENSION—A CONSTITUTIONAL FIGHT

THE 1935 Act was inadequate and an obvious attempt by the British to bypass the countrywide demand for full Dominion Status and complete self-government. It was criticised by almost every section of India's population and had been rejected by many. It, however, came into force in 1937, and India's political leaders could not but work it for the time being. The Act, therefore, created a new commotion in the country, in which both India's ultimate emancipation from the British and each community's rights under the new arrangements simultaneously took hold of the entire population. All the communities were arrayed against the British, no doubt, but they could not be oblivious of their own distinct rights and conditions after the departure of the foreign rulers. What followed in the wake of enactment of Government of India Act of 1935 was something which could cause the birth of a new harmony in the Indian communities, as well as result in their complete estrangement. And all this was to happen through constitutional process, the full impact of which was being felt for the first time.

This was a highly intricate situation particularly for the Muslims, who had to wage their battle on two fronts—the British and the Hindus—and yet keep their heads high as forerunners in the struggle for India's freedom as a whole. The fight ahead was no longer straight; it was about to assume a multi-dimensional form and required a multi-visional personality to cope with it. It was essentially to be a constitutional fight, in which power was to be surrendered by the British not on the battle-field but through a legislative measure. It was presumably for this purpose that almost every Muslim leader looked to Jinnah to assume the captaincy of the ship. It was after Jinnah's assumption of the full leadership of

the Muslim League and thereafter the entire mass of Indian Muslims that the concept of self-determination took a proper shape. The process which commenced with the 1935 Act could not but highlight the existence of Muslims as a nation by themselves which any form of constitution operative anywhere in the world could not ignore.

What was the immediate outlook? The Congress had, no doubt, rejected the 1935 Act, but it could not live outside it and was changing its position in favour of elections—to capture power in the legislatures and then move forward. This was what the Quaid had always emphasised, and now that the Congress, too, was in a mood to adopt this principle, Jinnah's responsibilities increased manifold. It is incorrect that he wanted a conflict or an open war between the Hindus and Muslims. He never considered such a situation in favour of India or any of the communities living in the subcontinent. What he wanted was a decision on the rights of the Muslims and other communities on the conference table to be enforced in the form of a constitution. And this is precisely what the Congress did not want, even though it was preparing to fight elections under the new provisions. Jinnah felt that "the Government has foisted these reforms against the will of all parties, because Indians were not united and they failed to settle their domestic quarrels". Even at that late hour, he thought a consensus could be evolved on the controversial issues, so that the two major communities of India could apportion their responsibilities and rights in an atmosphere of mutual trust and respect.

Appealing to the various leaders and parties, the Quaid said: "No constitution is permanent. Constitutions are made by men, but men are not made by constitutions." He emphasised that "we will fight until we have that replaced by a constitution which, we think, is the right one". While appealing to the good sense of all the leaders, Jinnah had to shoulder the new responsibility which had been placed on him in entirety—the responsibility of saving eighty million Muslims from the avalanche of Hindu revivalism,

which was surging in many forms, including, of course, that of the Congress. He called upon the Muslims to organise themselves and play their proper part in the coming events. "Do not listen to the taunts. I am helping 80 million people", he said.

For this purpose, Jinnah undertook a countrywide tour. The goal was still far off. The Congress had organized the Hindus and divided the Muslims. The Muslim League was only recently revived and was in the process of reorganization when the elections were held. Even then, Muslim India as such emerged as a reality before everybody's eyes. Addressing himself to the Musalmans, the Quaid said soon afterwards, "Those few waverers who are ready or about to betray us for jobs need not seek excuses or loopholes to justify their threatened secession from the All-India Muslim League. They may go, but those members of the League, if they have a shred of conscience left, should tender their resignation and contest the seats again on the Congress ticket". And then he added, "I say to all Musalmans of India to organise, consolidate and establish solidarity and unity. Service, suffering and sacrifice are absolutely essential conditions before we can achieve anything big and secure our right place in the national life of the country."

The Congress had captured absolute majority in five provinces. In the remaining six it had attempted to have an indirect hold, with the main target of dividing the Muslims. The Muslim League did not fare well, because it had only recently been provided the proper leadership, that of the Quaid-i-Azam. But in spite of that, it began to assume greater responsibility and deeper significance in the politics of India. Its activities were being enlarged and the programme for capturing the entire Muslim population was now put into effect with increased vigour. The first demonstration for such a programme was witnessed in the League session at Lucknow in October, 1937. The Congress had come into open conflict with the Muslim League and had planned to hire some "broad-minded" Muslims to create confusion in the meeting. But everything was swept away by the awe-inspiring reception which Jinnah received

on his arrival in Lucknow. In the words of M.H. Saiyid: "Jinnah's procession was a wonderful pageant. The vanguard, a train of young men dressed in green uniform. Then came the huge crowd of men that had foregathered from the villages and insisted on being included in the procession. The League President was seated in a well-decorated open car. It took the procession four hours to reach its destination at Qaiserbagh, where Jinnah was to stay. On the way it met with the expected demonstration. A few pieces of black cloth were seen at a distance. The young men got wild, and, but for the local leaders, who controlled the situation, there would have ensued a terrible skirmish among the two parties. The demonstrators took to their heels soon." A new dimension had been assumed by the League, a new element had been injected into it. Jinnah's concept of constitutional rights of the Muslims of India had reached the masses, and a new movement was already visible.

The Lucknow Conference marked the beginning of a departure, and Jinnah instantly lifted the Muslim League to new heights. He unfolded the designs of the Congress, the responsibilities of the Muslim leaders and the pitfalls for the Muslim nation that lay ahead. But his address was a clarion call, demonstration of a new vigour and vitality, exhibition of a new faith in the destiny of the nation. The path was, no doubt, still far off, but it was clear and visible. Henceforth the League and the nation was to march hand in hand. Jinnah ridiculed the Congress claims and the contradictions in its actions and utterances, and described what the Muslim League stood for. He said: "The Muslim League stands for full national, democratic self-government for India. A great deal of capital is made as to phrases more for consumption of the ignorant and illiterate masses. Various phrases are used such as *Purna Swaraj*, self-government, complete independence, responsible government, substance of independence and Dominion Status. There are some who talk of complete independence. But it is no use having complete independence on your lips and the Government of India Act, 1935 in your hands. Those who talk of complete

independence, they must mean the least of what it means. Was the Gandhi-Irwin Pact in consonance with complete independence? Were the assurances that were required before the offices would be accepted and the provincial constitution could be worked consistent with *Purna Swaraj*, and was the resolution, after the assurances were refused, accepting offices and working the provincial constitution enacted by the British Parliament and forced upon the people of India by the imperialistic power, in keeping with the policy and programme and the declaration of the Congress Party? Does wrecking mean working? These paper declarations, slogans and shibboleths are not going to carry us anywhere. What India requires is a completely united front and honesty of purpose, and then by whatever name you may call your government is a matter of no consequence so long as it is a government of the people, by the people, for the people."

None except Jinnah could expose the absurdity of what the Congress tried to claim. Congress accepted and worked whatever came from the British Government, and still claimed to have rejected it. This was not only a political somersault but also a constitutional fraudulence. Jinnah was determined to save the people of India from fraudulence; if not the entire population, at least the Muslims, some of whose leaders had become a prey to the catchy phrases of the Congress. This again was to be a constitutional fight.

In the provinces, which came in control of the Congress ministries, the Muslims were subjected to worst treatment. Jinnah took notice of this from the very start, and in his address at the Lucknow session of the Muslim League, he criticized the Congress for enforcement of Hindi, *Bande Mataram*, etc., which he said were crude and uncivilized methods of forcing everybody to obey Congress mandates in these sectors. He said: "On the very threshold of what little power and responsibility is given, the majority community has clearly shown their hand: that Hindustan is for the Hindus. Only the Congress masquerades under the name of

nationalism, whereas the Hindu Mahasabha does not mince words. The result of the present Congress Party policy will be, I venture to say, class bitterness, communal war, and strengthening of the imperialistic hold as a consequence."

Class bitterness and communal war were never accepted by Jinnah as the proper course to India's emancipation and the solution of the baffling constitutional issue. As a constitutionalist, Jinnah could only desire peace and cool-headedness, because only in such a situation a workable constitution was possible. The type of turmoil, sentimentalism and deceitful phraseology employed by the Congress every now and then could only befog the minds of the people. And this was what Jinnah tried to undo at every stage.

In the concluding part of his address at the Lucknow session of the League, Mr. Jinnah said, "To the Musalmans of India in every province, in every district, in every tehsil, in every town, I say: your foremost duty is to formulate a constructive and ameliorative programme of work for the people's welfare . . . Create the feelings of an *esprit de corps* and of comradeship amongst yourselves. Work loyally and for the cause of your people and country. No individual or people can achieve anything without industry, suffering or sacrifice. There are forces which may bully you, tyrannize over you, and intimidate you, and you may even have to suffer. But it is by going through this fire of persecution, the tyranny that may be exercised, the threats and intimidation that may unnerve you—it is by resisting, by overcoming, by facing these disadvantages, hardships and sufferings and maintaining your true convictions and loyalty, that a nation will emerge, worthy of its past glory and history, and will live to make its future history greater and more glorious not only in India but in the annals of the world. Eighty millions of Musalmans in India have nothing to fear. They have their destiny in their hands, and as a well-knit, solid, organized, united force they can face any danger and withstand any opposition to its united front and wishes. There is the magic power in your own hands. Take your vital decisions; they may

be grave and momentous and far-reaching in their consequences. Think a hundred times before you take any decision, but once a decision is taken, stand by it as one man. Be true and loyal, and I feel confident that success is with you."

This was a message, a call, an advice, but nowhere in it was a hint of violence, communal hatred or civil war. The Musalmans were asked to organise themselves, to suffer and work patiently, to think, evaluate and then be resolute. The whole philosophy underlying this message at a time when the Congress was gloating over its power in many provinces, under the very Act which it had rejected, was to be peaceful but determined so that the constitutional rights of the Muslims could be effectively safeguarded. Jinnah was convinced that even the eventual shape of the fight would be constitutional, and in that constitutional contest, a better organised, cool-headed, principled and determined Muslim community could alone fare well.

After the Lucknow session, the Quaid undertook an extensive tour of various parts of the country. While the Congress was still reluctant to take notice of the League, Jinnah took speedy measures to organise his party at various levels. A Muslim League Party was formed in the Central Assembly too, and support of Muslim members of the Punjab and Bengal was won. A new lining became visible, and when the Muslim League held its session at Calcutta in April, 1939, the party was fully entrenched on all-India basis. Before the Calcutta session of the Muslim League, correspondence between Gandhi and Jinnah had convinced the people that the fate of the country was essentially to be decided by these two persons, jointly or separately. Congress ministries were in office in a number of provinces, and what they did with the Muslims was horrifying. Congress almost went mad to convert everybody to its way of thinking. The *Pirpur Report,* prepared at the instance of the Muslim League, and Fazlul Haq's pamphlet disclosed a disturbing state of affairs in the Congress-ruled provinces. The blue-eyed boy of Gandhi, Jawahar Lal Nehru, was busy in inflaming the situation

by his irresponsible and wild utterances. And soon he made the declaration: "There are two parties in the country—the Congress and the British", the Quaid gave Nehru a rebuff and said, "No, there is a third party, namely, the Musalmans. We are not going to be dictated; we are not going to be camp-followers."

Jinnah's Calcutta address touched upon many issues and besides giving a resume of the contemporary events, he outlined the future course for the Muslims. He attacked the demagogues in the Muslim community as well as the bigotry of the Congress and gave a clear hint that the Muslims of India would not accept any constitution in which their rights and interests would not be fully protected. He had started in right earnest to organise the Muslims on proper lines and would not budge an inch from his mission. Even though a constitutionalist, he was a determined fighter, because to allow the infliction of a wrong constitution on India would mean another and a more harrowing phase of the enslavement of Muslims.

At Calcutta, Jinnah said: "We have to a certain extent freed our people from the most undesirable reactionary elements. We have in no small degree removed the unwholesome influence and fear of a certain section who used to pass off as Moulanas and Moulvis. We have made efforts to take our women with us in our struggle, and in many places that I visited they took enormous interest and participated in various functions and gatherings. We have to carry on and maintain the policy and the programme of the Muslim League on a political plane. Within less than six months we have succeeded in organizing the Musalmans all over India as they never were at any time during the last century and a half. They have been galvanised and awakened in a manner which has astounded and staggered our opponents. The Musalmans have shaken off their *torpor* and shed their miserable state of despair and demoralization into which they were sunk so deep. They are beginning to realise that they are a power. They possess the strength, the potentialities of which they have not yet realised; and if only

they will take their affairs in their own hands and stand together united, there is no power that can resist their will." Towards the end of his address he said, "Muslims have made it clear more than once that, besides the question of religion, culture, language and personal laws, there is another question, equally of life and death for them, and that their future destiny and fate are dependent upon their securing definitely their political rights, their due share in the national life, the Government and the administration of the country. They will fight for it till the last ditch, and all the dreams and notions of Hindu Raj must be abandoned. They will not be submerged or dominated and they will not surrender so long as there is life in them. The Muslim League claims the status of complete equality with the Congress, or any other organization, and we have our problems to solve."

The problems of the Muslim nation now emerged as a glaring reality than ever before in the political drama of the subcontinent. The natural sequence to the developments in India was the Pakistan Resolution which followed the Calcutta session of the League. The Pakistan Resolution, passed in Lahore on 23rd March, 1940, when World War II had actually started and when the British India Government had declared war on Germany, was the final shape of the events which took place after the enforcement of the 1935 Act. The Congress had during this period proved to be more communal than any other organization in India, and though the Muslim League had all along been trying to arrive at an agreement with the Congress, the militant forces in the Congress did not permit materialisation of peace between the two major communities. While the Congress was hobnobbing with the British, who were anxious to obtain maximum support from India in the War efforts, the Quaid was evaluating the future shape of things. The time for rapprochement between the Hindus and Muslims as such had passed; the changed situation demanded a clear-cut proposal from the League on the future constitution of India which might be freed after the War.

The Presidential address of the Quaid at the Lahore session surveyed the entire situation, including the Congress and the League positions and the divergence that had been displayed, in their views, on the future constitutional arrangement. The Congress rule of the previous two years and India's involvement in the Second World War had unfolded a new situation which could all of a sudden devour the Indian Muslims. He, therefore, demanded: "As soon as circumstances permit, immediately after the War at the latest, the whole problem of India's future constitution must be examined *de novo* and the Act of 1935 must go once for all. We do not believe in asking the British Government to make declarations. These declarations are really of no use. You cannot possibly succeed in getting the British Government out of this country by asking them to make declarations.

A new attitude in the new circumstances was reflected, but the basic approach was not abandoned. His attention was concentrated on the constitution more in the new situation than at any other time. He outlined what the Muslims stood for, and what the Muslim League was to adopt as its ultimate goal. He said: "The problem in India is not of inter-communal but manifestly of an international character, and it must be treated as such. So long as this basic and fundamental truth is not realised, any constitution that may be built will result in disaster and will prove destructive and harmful not only to the Musalmans but to the British and Hindus also. If the British Government are really in earnest and sincere to secure the peace and happiness of the people of this subcontinent, the only course open to us all is to allow the major nations separate homelands by dividing India into 'autonomous national states.' There is no reason why these states should be antagonistic to each other. On the other hand, the rivalry and the natural desire and efforts on the part of one (community) to dominate the social order and establish political supremacy over the other in the government of the country will disappear. It will lead more towards natural goodwill by international pacts between

them (the states) and they can live in complete harmony with their neighbours. This will lead further to a friendly settlement all the more easily with regard to minorities by reciprocal arrangements and adjustments between Muslim India and Hindu India, which will far more adequately and effectively safeguard the rights and interests of Muslims and various other minorities."

This was a skeleton of the future constitution of India which the Quaid-i-Azam had at last put before the parties concerned.

Continuing, the Quaid said: "It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different and distinct social orders. It is a dream that the Hindus and Muslims can ever evolve a common nationality. This misconception of one Indian nation has gone far beyond the limits, and is the cause of most of our troubles, and will lead India to destruction, if we fail to revise our notions in time. The Hindus and Muslims belong to two different religious philosophies, social customs and literature. They neither intermarry, nor inter-dine together, and indeed they belong to two different civilizations which are based mainly on conflicting ideas and conceptions. Their outlooks on life and of life are different. It is quite clear that Hindus and Musalmans derive their inspiration from different sources of history. They have different epics, their heroes are different, and they have different episodes. Very often the hero of one is a foe of the other, and, likewise, their victories and defeats overlap. To yoke together two such nations under a single state, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be built up for the government of such a state."

With this analysis and declaration, with conduct of the Congress Governments and their leaders overshadowing the course of events, a separate homeland for the Muslims was the ultimate solution of India's constitutional muddle, which essentially was the making of the British and the Congress. Jinnah clearly saw that after having

been flung in another global war after a period of only two decades, it would be impossible for the British to refuse independence to the Indians. The time for their final departure was, therefore, fast approaching and it was no longer possible for the Muslims and their leaders to attempt the impossible task of a constitution of free India as a United country with a majority like the Hindus in complete power in line with the British parliamentary system. The clarion call had been given.

With the spread of war, the efforts of the British Government to procure manpower and political support from India were stepped up, accompanied, of course, by promises and attempts to give a much larger share of self-government to the Indians. As had been estimated by the Quaid, the march towards India's freedom could not be stopped. And to size up to the new developments, the existence of three parties in this process had been accepted by almost everybody. Therefore, a day after Quaid's declaration at the Lahore session of the Muslim League, a unanimous resolution was adopted visualising an independent and sovereign state for the Muslims of the subcontinent. The areas earmarked for such a homeland were not based on any whimsicality or racialism; they were based on the principle of democracy which is known to be the only constitutional way out of the serious muddle. The resolution passed by the League, *inter-alia*, said: "Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to Muslims unless it is designed on the following basic principles, namely, that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the north-western and eastern zones of India should be grouped to constitute independent states in which the constituent units should be autonomous and sovereign." The constitutional march was now reaching its limits, and even at this stage the Quaid did not want to give up

the principles of democracy and constitutionalism. The Hindu press gave the name of Pakistan to the Lahore Resolution and the subsequent struggle, therefore, came to be known as the struggle for Pakistan.

This resolution was not a sudden outbrust; it was the culmination of a long drawn-out struggle in which the Congress obstructed every effort at reconciliation. Four months before the Lahore Resolution, the Viceroy, in his bid to enlist support of all sections of the Indian population, proposed that the Congress and the League should start a dialogue to discover if a basis of agreement could be found in the provincial sphere to be followed by their participation in the Central Government. The Congress outright rejected the suggestion of the Viceroy. It was intent on taking possession of entire India and to eliminate every other political element from the subcontinent. This was the height of arrogance, and most of congress decisions were determined by this arrogance rather than sense and logic. Jinnah acted in a different manner. He never turned down any offer of discussions and, therefore, some correspondence continued between him and the Viceroy.

What he wanted to gain through this correspondence was to influence the course of events by emphasising his point of view before the British Government when it was in need of every bit of support and advice. The British were in a tight corner, and since they were still the paramount power and were in a position to take a wrong or a right decision, he must push them along the course he had visualised for the good of his nation. It was with this end in view that on July 1, 1940, Jinnah wrote a letter to the Viceroy embodying his "Tentative Proposals":

> That no pronouncement or statement should be made by His Majesty's Government which would in any way militate against the basic and fundamental principles laid down by the Lahore Resolution of division of India and creating Muslim States in the north-west and eastern zones and it may be stated that this ideal now has become the universal faith of Muslim India.

That His Majesty's Government must give a definite and categorical assurance to the Muslims of India that no interim or final scheme of constitution would be adopted by the British Government without the previous approval of Muslim India. In view of the rapid developments in Europe and the grave danger that is facing India it is fully realised that everything should be done that is possible to intensify war efforts and mobilise all resources of India for her defence, for the purpose of maintaining internal security, peace and tranquillity and to ward off external aggression. But this can only be achieved provided the British Government are ready and willing to associate Muslim leadership as equal partners in the Government, both at the Centre and in all the Provinces. In other words, Muslim India leadership must be fully trusted as equals and have equal share in the authority and control of the Governments, Central and Provincial.

Provisionally and during the period of the War, the following steps should be taken to comply with the formula, namely, co-operation with the Government with equal share in the authority of the Government: (a) That the Executive Council of the Viceroy should be enlarged, within the frameowrk of the present constitutional law, the additional number to be settled after further discussion but it being understood that Muslim representation must be equal to that of the Hindus if the Congress comes in; otherwise they should have the majority of the additional members as it is obvious that the main burden and the responsibility will be borne by Muslims in that case. (b) That in the provinces where Section 93 of the Act has to operate, non-official Advisers should be appointed, the number to be fixed after further discussion, and the majority of the non-official Advisers should be the representatives of the Muslims, and where the provinces can be run by a combination of parties or 'coalition' naturally it would be for the parties concerned to adjust matters by agreement among themselves. (c) That there should be a War Council consisting of not less than fifteen members including the President to be presided over by His Excellency the Viceroy. I do not like the expression 'War Consultative Committee'. This Council should regularly meet to deal with and review the general situation as it may develop from time to time, and advise the Government with regard to

matters in connection with the prosecution of the war generally, and, in particular, the fullest possible development of defence, and to make a thorough economic and industrial drive. On this body it will not be difficult to secure the representation and full cooperation of the Indian Princes, and as far as I can judge they would have no difficulty in joining it. It is through this body that the association of the Princes can be secured. Here again the representation of Muslim India must be equal to that of the Hindus if the Congress comes in, otherwise they should have the majority.

THE GOAL IN SIGHT

THE Quaid-i-Azam's constitutionalism was not a mere verbal dual or a longing for lawful handling of situations. It was an awareness of the political and constitutional, and even non-political and unconstitutional, processes that had been initiated or were about to set in, and the consequences that were to flow from them as a matter of natural course. His keen sense of perception enabled him to analyse these processes and to channellise them along his own way of thinking, instead of blocking them and creating a stalemate. The Congress always attempted to adopt the latter course, which often failed, and even the available opportunity was lost. If a detached view of the story of independence of the subcontinent is taken, Jinnah will instantly be seen as the prime catalyst. He never blurred his vision, never lost the track, and never failed to push the British ahead on the road to India's freedom through legislation and constitutional process. His letter to the Viceroy in which he explained his formula in detail, therefore, provided the necessary push to the somewhat bewildered British Government.

Jinnah was clear on two issues: he wanted complete freedom of the subcontinent, and would not tolerate that after the departure of the British another alien ruler should step in. This was why he wanted the security of India against another foreign invasion. Secondly, he did not want the Muslims to be enslaved by a community from within the subcontinent after the British had left. This community, much larger in number, was trying to obtain maximum power from the British to be able to clamp their authority in a more ruthless manner. This mentality and philosophy had been amply demonstrated by the Congress during their two and

half years of rule in some of the provinces and, therefore, had to be fought at all levels and with all weapons.

After their misrule, the Congress governments in the provinces had resigned as a measure of blackmail against the rulers who were increasingly afraid of the expanding war. Jinnah knew that only the Muslims provided the main fighting material, and if in return for providing this material some benefit was to accrue, it must primarily go to the Muslims. Their rights and the latest demand for a separate homeland, must, therefore, form the basis of any formula that was to be evolved for the defence of India. All this was exquisitely set in Jinnah's detailed letter of July 1, 1940, to the Viceroy.

Such momentous proposals could not be lost sight of, and the baffled Viceroy who was somewhat scared of the exaggerated view of the power of the Congress by its leaders' hullabaloo saw a streak of light. He immediately reacted to it and the Secretary of State for India, Amery, emphasized "His Majesty's Government's concern that full weight should be given to the views of the minorities in any revision". He said: "It goes without saying that they could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements of India's national life." Amery's statement reviewed the full situation prevailing at that time, and, therefore, it could not ignore the stature and intention of the Congress which happened to project the majority view. But he took note of the existence of the Muslims as a powerful element in India, which, he felt, in no case could be brushed aside. He said: "The Congress leaders are never inspired by an ardent national patriotism. They have built up a remarkable organization, by far the most efficient political machine in India, of which they are justly proud. They have striven to make that organization national and all-embracing. If only they had succeeded; if the Congress could, in fact, speak as it professes to speak for all main elements in India's national life, then, however

advanced their demands, our problem would have been in many respects far easier than it is today. It is true that they are numerically the largest single party in British India. But their claim, in virtue of that fact, to speak for India is utterly denied by very important elements in India's complex national life. These other elements assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian polity, entitled to be treated as such in any discussions for the shaping of India's future constitution."

Mr. Amery added: "The foremost among these elements stands the great Muslim community of ninety million strong and constitutes a majority both in north-western and north-eastern India, but scattered as a minority over the whole subcontinent. Its religious and social outlook, historic tradition and culture, the difference between them and their Hindu fellow countrymen goes as deep as, if not deeper than, any similar difference in Europe. That need not and does not prevent social intercourse of fruitful political co-operation. It has not, in fact, prevented individual Muslims taking an active part in the work of the Congress Party. But as a body, the Muslims have stood aloof. Their quarrel with the scheme of the existing Act is not that it fails to give that clear majority rule which the Congress asks for, but that it would give too great powers to a Hindu majority at the Centre. They will have nothing to do with a constitution framed by a constituent assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity and are determined only to accept a constitution whose actual structure will secure their position as an entity against the operations of a mere numerical majority. Agreement, or consent, is needed for the foundation of all free governments, of all true democracy. Decision by majority is not so much of the essence of democracy as a practical convenience, which pre-supposes, for its proper working, an antecedent general consent to the constitution itself. It has, indeed, in most federal constitutions been limited in various

ways in order to safeguard the separate interests of the federating elements. To describe the need for such agreement as a veto on constitutional progress, is, I think, to do injustice to the patriotism and sense of responsibility of those concerned. Agreement means not veto by any element but compromise, and willingness to compromise in India, as elsewhere, is an essential test of the sense of responsibility on which free government must be based."

This was not a rebuff to the Congress, as some would like to call it, but it uncovered the hollowness of the Congress bluff that it alone was India. Jinnah's insistence and warning at this crucial stage, along with offer of practical openings—unlike what the Congress leaders did—has always served to push ahead the cart of constitutional reform in India. Amery's statement clearly showed how Jinnah's proposals sounded to the sane British elements. This statement, while accepting the existence of a separate Muslim nation in India, stirred the few Muslims taking an active part in the work of the Congress Party. These individuals, or more precisely the "show boys" as described by Jinnah, were supposed to play their part in favour of the Congress, the foremost among them being the then so-called President of the Congress, Maulana Abul Kalam Azad. He made certain overtures to the Muslim premiers of Muslim majority provinces, and then came a warning from Jinnah. "I am unable to accept that the Hindus and the Congress are fighting for the independence or freedom of all the people of the country. We know why they have launched the civil disobedience movement. The British Government also knows why. It is to coerce the British Government to recognise the Congress as the only authoritative and representative organization of the people of India. The Congress says: 'Come to a settlement with us. We are your friends; we desire to maintain your supremacy in the country. Come to terms with us and ignore the Muslims and other minorities'."

Jinnah now spoke from a new plane, in the context of a new situation, and he knew his thrust must be multi-dimensional. The pace for a final constitutional reform had been accelerated and,

therefore, he must no longer accept a defensive position, the position of a mere minority leader. He was now the spokesman of not a minority in India, but of a nation, a separate nation entitled to its own independent existence in the light of its great past and the present potential. And this situation, for the first time a satisfactory one for the Muslims of the subcontinent, was evolved through a constitutional battle, through dialogue and negotiations, correspondence and analysis, and rebuff and reconciliation. The whole process, when viewed fully and dispassionately, seems to be the result of what Jinnah thought and said, and now the British Government, too, known for its haughtiness and deceitful politics, had to accept that there were not two but three parties concerned with the future constitutional set-up of India—the Hindus, the Muslims and the British Government. Soon new proposals began to be made by the British, missions started arriving, and the Congress and the Muslim League began to be treated as equals, or more precisely the Muslims and the Hindus began to be regarded as two distinct and independent elements of India's vast population.

Before the Secretary of State had issued his plan, which came to be known as the August Plan, the Viceroy sent a personal reply to Jinnah in which he said: "I readily accept the importance, in the event of any expansion (of Viceroy's Council), of securing adequate representation of Muslim interests, and that is a point which I would have in mind." He rejected Jinnah's right to nominate the Muslim members of the Council, which privilege, he said, was that of the Secretary of State. Amery's statement was of a wider significance; it was a concrete offer, and it accepted certain basic realities which had so far been deliberately ignored. It also showed a major departure from the routine type of British professions and concessions which exhibited their willingness eventually to depart from the subcontinent. The British Secretary of State for India gave a categorical assurance of a constituent assembly to be entirely composed of Indians to frame the country's future constitution immediately after the War. Again the Congress idea of a constituent

assembly was straightaway rejected, and the rights of the minorities were sought to be protected. And, finally, it was accepted that India must have Dominion Status. Amery had declared in the House of Commons what Dominion Status meant when he said that it was not "inferior to that of nations that perforce stand alone, but superior". To him, there was "no higher status in the world".

The August Plan was considered immediately by both the Congress and the Muslim League. Claiming to speak for all Indians, the Congress rejected it as "totally at variance" with the Congress policy, which meant that it did not accept the existence of minorities as separate entities. In its usual exuberance, it charged that the Government plan was a "direct encouragement and incitement to civil discord and strife". The League proceeded in a different mood; it neither accepted nor rejected the plan, and agreeing to acceptable parts of it, stressed for the acceptance of its other demands as were communicated to the Viceroy by Jinnah. By and large, the August Plan produced no results, except that the reality of the situation concerning the Muslims and British willingness to part with power was underlined. However, the Congress launched its *satyagraha* movement, which ultimately flopped.

The August Plan was reshaped and enlarged two years later in 1942 when Japanese advance in Burma was posing a threat to the security of India. Singapore had already fallen and the Allies were faced with a desparate situation. A high-level mission, called the Cripps Mission, came to India with proposals which, in the words of Premier Churchill, "would avoid the alternative dangers either that the resistance of a powerful minority might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which could be resisted to a point destructive of internal harmony and fatal to the setting up of a new constitution". The powerful minority mentioned here was obviously the Muslims, who had been welded into a compact mass by the constitutionalist Jinnah. Cripps himself described his proposal as "definite and precise". He said that "if they were to be rejected by the leaders

of Indian opinion, there would be neither time nor the opportunity to reconsider this matter till after the war and it would be a bitter blow to the friends of India all over the world".

Gandhi met Cripps in his individual capacity; Azad and Nehru met him as spokesmen of the Congress—trying to circumvent the main issue and yet desiring to have something from Cripps. The attitude of the League was different; nobody met Cripps in his individual capacity because it did not believe in such a capacity. In Jinnah's constitutional conception, there would be no individual mightier than, or even as important as, the Party or the nation. He, therefore, conducted his negotiations as President of the Muslim League. Since Gandhi was accustomed to playing hide-and-seek politics, he even failed to comprehend the actual pace of the war. His policies, therefore, continued to change, sometimes in clear contradictions. To him, British proposals at such a stage of uncertainty were "a post-dated cheque on a bank that was obviously crashing". And when Cripps, who claimed to be a friend of the Congress, left for England on 12th April, the Congress felt a bit unnerved. Their whole game was to extract as much from the British as was possible, and the negotiations with Cripps had been going on, in the words of the Quaid-i-Azam, "over the heads of the Muslims and other parties had been utterly ignored".

The Cripps Mission failed and, as Menon wrote "even in the Congress circles there was a sense of disappointment and surprise that Cripps should have left so suddenly, without making any further attempt to reach a settlement". In every such situation Jinnah was vindicated because he played a straight game. He said what he felt was a historical compulsion and he knew these compulsions because he had a historical perspective. The Congress was led by an irrational, conceited leadership which could not read the writing on the wall. It was precisely for this reason that they kept on shifting their stand; they wanted to use force without having it, and failed; they entered into negotiations to hammer their point of view in a constitutional manner and again failed

because they did not possess constitutional logic and frame of mind. Gandhi, who met Cripps as an individual—a farcical word and concept—said in the *Harijan* on the departure of Cripps, perhaps out of dismay and sullenness, "a thousand pities". He called Cripps a "radical", and said that his scheme "contemplated Pakistan, and yet not the Pakistan of the Muslim League . . . If the vast majority of Muslims regard themselves as a separate nation having nothing in common with the Hindus and others, no power on earth can compel them to think otherwise." The constitutional dilemma was perhaps becoming clear to Gandhi.

Before Cripps left, Jinnah and the Muslim League had made it clear to him that Muslims were not prepared to live in one Indian Union as a minority. The League believed in Pakistan as envisaged in the Lahore Resolution and, therefore, stood for the establishment of two separate constitution-making bodies. The League, however, said that it would not express its views, nor it could, on the interim arrangements until a complete picture was available. The Congress went to the extreme, and without any regard to its influence or right to speak on behalf of whole of India, voiced its "Quit India" resolution on August 8, 1942. The decision was not only unconstitutional, it was also stupid. The Congress, it seems, resorted to such tactics because its claim as the sole representative of India was increasingly being exposed. To cover up the erosion of its influence and widespread apathy displayed by the vast Muslim population and other minorities, it even adopted suicidal measures. "Quit India" seemed to be like that. High-sounding phrases and catchy slogans there certainly were, but the lack of understanding and correct evaluation of the situation was clearly visible.

Gandhi's call for open rebellion was sharply criticised in the British and American press. He misread everything, including his power to blackmail. At home also, it met criticism. Depressed classes did not participate; in fact, Dr. Ambedkar, their leader, came out with sharp cirticism of it. Liberals, headed by Tej Bahadur Sapru, strongly disapproved of the Congress move. Nationalists

and Communists, too, were opposed to it. And above all Jinnah described the movement as a device to "forcing their demands at the point of bayonet". What then was left of the "Quit India" move? Only a fraction of caste Hindus, headed by bania capitalists, were in its support, and that too, only as a weapon of blackmail, and not an ultimate objective. Shortly afterwards, the War began to assume a different shape, and the last gamble of the Congress ended in nothing.

What happened afterwards is known to everybody. The replacement of Linlithgow by Wavell and of Churchil by Attlee, the defeat of Japan, and the Simla Conference, all took place hurriedly and almost unexpectedly. The Congress leaders ceased to be nasty and appeared to be willing tools of the British after the Simla Conference. But the Simla Conference failed, and it showed that Wavell and the Congress had joined hands in ignoring the demands of the Muslims; in fact, they strove to create a rift in the ranks of the Muslims.

Jinnah took note of this and exposed everything through a statement which said: "On a final examination and analysis of the Wavell Plan we found that it was a snare. There was the combination consisting of Gandhi-Hindu Congress, which stands for India's national independence as one India and the latest exponent of geographical unity, and Lord Wavell and Glancy-Khizr, who are bent upon creating disruption among the Musalmans in the Punjab, and we were sought to be pushed into this arrangement, which, if we had agreed to, as proposed by Lord Wavell, we should have signed our death warrant.

"Our stand has been and we have repeatedly made it clear to the British Government, several times since 1940, that we cannot consider or enter into any provisional interim government unless a declaration is made by the British Government guaranteeing the right of self-determination of Muslims, and pledging that after the war, or as soon as it may be possible, the British Government would establish Pakistan, having regard to the basic principles

laid down in the Lahore Resolution of the Muslim League, passed in March, 1940.

" . . . . We are not a minority but a nation, and we can only enter into a provisional arrangement, having regard to the necessities and exigencies of the moment created by the war and fully co-operate in the prosecution of the war, and that in this arrangement we claimed an equal number in the proposed Executive.

"The Wavell proposals set at naught both these conditions and called upon us to make the severest sacrifice. I know in his broadcast he said that these proposals are without prejudice to any future constitution or constitutions of India. While in one breath it is impressed upon us that these proposals are without prejudice and do not prejudge the Pakistan issue, yet the plan contradicts this in the next breath by its very terms. It is obvious to any intelligent man that if we accept the arrangement, the Pakistan issue will be shelved and put into cold storage indefinitely, whereas the Congress would have secured under the arrangements what they want, namely, a clear road for their advance towards securing a Hindu national independence of India, because the future Executive will work as a unitary Government of India and we know that this interim or provisional arrangement will have a way of settling down for an unlimited period, and all the forces in the proposed Executive plus the known policy of the British Government and Lord Wavell's strong inclination towards a united India would completely jeopardise us, for, I will quote Mr. Amery, who has tried his best but in the result given us cold comfort, and his statement is a very clear indication and a pointer to British policy.

"Speaking in the House of Commons, where he presented the white paper, he said as follows: 'The ideal to which we have always looked is that of an All-India Union in which the States will play their full part. At the same time we have also recognised the possibility that arrangement between Hindus and Muslims on any form of Indian unity may be unattainable. Any interim advance,

therefore, must in no way prejudge the question whether an ultimate settlement is based on a united or a divided India'."

Such subtleties of motives hidden beneath clever phraseology could only be understood by the Quaid-i-Azam. He alone could understand what was being prejudged and forestalled. And this was how he foresaw the constitutional intent of Lord Wavell and his Simla Plan, hatched in consultation with Congress leaders.

THE TRIUMPH

WHEN we look back, we find a zigzag path in which the main stream of independence struggle flowed, culminating in the creation of two sovereign states of India and Pakistan in August, 1947. There have been frequent upheavals and encounters, phases of peace and tranquillity, and stages of suppression and defiance; but they all plunged into the greater reservoir of self-determination which underlined the existence of two dominant, divergent and, in cases, hostile cultures and communities—the Hindus and the Muslims. Self-determination, or more precisely, self-display of two different cultures, was not born out of hatred, slogan-mongering or patchwork of phraseology; in fact, it became visible and articulate in spite of them. The efforts of the various leaders flowed in two main channels; one highlighting the one-nation mania, and the other emphasizing the existence of two distinct nations. One was an attempt to override everybody, the other was a struggle to escape subjugation and grinding tyranny.

Quaid-i-Azam Jinnah signified the second course, and he conceived this not on account of any hatred of the Hindus—he had once been in the Congress camp, too—but because of his constitutional analysis of the situation which was likely to emerge after the departure of the British. What he did was the exhibition of constitutional absurdity of one-nation concept; he proved that it was logically and constitutionally impossible to have a living minority to grow under the heels of a majority which had an entirely different way of life. Either the minority would perish, or an unending civil war would ensue. He was consistent in his approach because his was the view of a constitutionalist; his weights and measures were flawless; and, therefore, whatever consequences he forecast or logic he put forward could not be rejected. The Congress

leaders slandered him, they concocted phrases for the consumption of ignorant and emotional sections of the people, but they could not rebut Jinnah's arguments, nor could they produce an agreed and humanly workable constitution without Jinnah.

The British wanted a united India, and in that they had the backing of an organization which represented the majority, but they could not keep India united. The Muslims, or for that matter the Muslim League and its leader, M.A. Jinnah, were not so powerful as to withstand the avalanche jointly set in motion by the British and the Hindus. They could not coerce mighty Britain to accept the demand of Pakistan. The British claimed to have chalked out a programme for constitutional reforms in India. They emphasized that they would not be cowed down by violence or illegal means, a number of times. The Congress adopted this course, and got stuck in the quagmire. Jinnah accepted the claim of the British Government, walked a few steps with them and then exposed the hypocrisy of their claim and the unworkability of their plan.

He analysed all that they said or offered from the constitutional point of view, demolished everything with the force and lucidity of his logic, and obliged them either to live up to their claim of favouring constitutional reform or be ready to face what would engulf both the rulers and the ruled. The British were faced with a giant whom they could neither charge with attempting to indulge in violence, nor escape his devastating logic; it was the oft-repeated claim of respecting a constitutional process which forced the British to listen to Jinnah. He alone seemed to be aware of the immensity of the riddle; he alone seemed to possess a key to it. When, therefore, he analysed the constitutional problem of India, the Congress leaders just flared up, and the British became somewhat cautious. Jinnah's constitutionalism, in fact, was the prime factor in pushing the British to a stage from which they could not go back. They had to quit and leave behind two Dominions, India and Pakistan, as the only constitutional solution of the problem of the subcontinent.

For various factors, of which many Indian leaders were aware, more so Jinnah, Britain's Labour Government was pro-Congress and, therefore, it was in a hurry to create a new relationship between India and England by saddling the Congress with authority. After the failure of the Simla Conference, Attlee announced on 19th February, 1946, the decision to send a Cabinet Mission to India. Before the Mission arrived in India, Prime Minister Attlee made a queer remark during the course of debate in the House of Commons on the Cabinet Mission. He said: "We are mindful of the rights of the minorities and that the minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place their veto on the advance of majority." Attlee's words were clear enough to underline his ignorance of the constitutional problem of India. How could a minority be safe when a culturally and religiously alien majority is vested with full authority? In his own country, the fate of the Catholics was before him—how the majority had completely eliminated them. And even though the distinction between the Hindus and the Muslims was far greater than that between the Protestants and the Catholics, Attlee failed to appreciate the intricacies of the issue. Things were moving very fast, and Jinnah's high sense of understanding and logic displayed itself with full force. He could not be reckless, nor could he succumb to the new trends.

He met the Mission for the first time on April 4, 1946, and explained how there was no other solution except the creation of a separate state for the Muslims. The Mission published its plan on May 16, after having extensive parleys with the Indian leaders. While accepting the "very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule, the Pakistan solution was not considered feasible". This, the Mission said, would not "provide an acceptable solution of the communal problem". The Hindu press and Congress leaders were jubilant. "Pakistan, the Pakistan of Jinnah's conception, receives a state burial in the document submitted by the Cabinet

Mission", they said. Jinnah, too, accepted the plan and while analysing the pattern, he said that the basis and the foundation of Pakistan was inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim provinces". The Muslim League Council which discussed the plan on June 6 in Delhi expressed the hope that the plan would ultimately result in the establishment of a fully sovereign state of Pakistan.

Discussions on the shape of the interim government, Jinnah's reminder to the Viceroy to implement his parity promise between the League and the Congress nominees, and ultimately the Cabinet Mission and the Viceroy's own award giving six to Congress and five to Muslim League kept the Muslim League out of the interim government for some time. During this period, the Congress played havoc with the Muslim population, with worst type of riots in Bengal. The League had rejected the plan, but the new developments could not allow it to sit on the fence. The Muslim League Council met in Bombay on July 27 to take a fresh view of the situation, and draw a new line of action. Jinnah charged the Congress with "pettifogging and higgling attitude" and the Cabinet Mission with "bad faith". After a full-throated debate, the League Council passed two resolutions; one stating the Congress acceptance of the plan was conditional and the Muslim League alone had accepted the statements of May 16th and 25th, according to the spirit and the letter of the proposals embodied therein. The League said that since no means or machinery were suggested to prevent the Constituent Assembly "from taking decisions which could be ultra-vires and not competent for the Assembly to do so," this "leaves no doubt that in these circumstances the participation of the Muslims in the proposed constitution-making machinery is fraught with dangers and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals". Another resolution emphasized that time had come for direct action, and directed the Working Committee to prepare a programme of direct action. The League leaders were asked to renounce the titles received from the British

Government "as a protest against and in token of their deep resentment of the attitude of the British". Jinnah declared: "What we have done today is the most historic act in our history. Never have we in the whole history of the League done anything except by constitutional means."

This single stride put the Congress on the defensive, but it soon entered office and there were ravages in Bengal. Within a month, the Muslim League realised that it could not leave everything to the Congress. Jinnah sensed the march of events, and on 25th October, 1946, Viceroy's Executive Council was reconstituted. Pakistan was only a few paces ahead and none except, perhaps, Jinnah knew that it was 'inevitable'. The constitutional insight eventually won and Pakistan appeared on the map of the world on August 14, 1947. What Gandhi and Nehru had refused to accept a year earlier and what the Cabinet Mission had described as "not feasible" became the only feasible solution. This solution only Jinnah had visualised, and he alone was convinced that there was no other constitutional solution. The Hindus could overpower the Muslims, or the Muslims could conquer them; even foreigners could occupy India by force; but constitutionally India was a multi-national country, and any minority which desired freedom and sovereignty must have a state of its own. If it was not done, it met its death through a constitution. Jinnah and his constitutionalism proved to be effective; he alone was vindicated.

The later half of 1946 saw swift and somewhat perplexing changes in plans and policies. They mainly took place during attempt to interpret and redraw constitutional purposes of various words, phrases and utterances, which inexorably led to the partition of the subcontinent into two independent and sovereign states. A 296-member Constituent Assembly was elected in July, that is, one month after the departure of the Cabinet Mission, but it turned out to be a still-born Assembly. Three months later, the Muslim League joined the Viceroy's Executive Council, and both these bodies generated a debate in which Jinnah's legal sense and

constitutional calibre appeared in their finest. Firstly, the Muslim League members of the Viceroy's Executive refused to accept Nehru's claim that he was to operate as Prime Minister or head of a cabinet. The Council was a council and not a cabinet and was headed by the Viceroy; Nehru was to act only as Vice-President, to preside over the meetings of the Council in case of Viceroy's absence. Secondly, the Muslim League members were not to attend the Constituent Assembly if the Congress did not accept the correct interpretation of May 16 Declaration of the Cabinet Mission.

The Viceroy seemed to be in a fix, and had been grieved over the Congress apathy towards the riots in Bengal. But even then he called a meeting of the Constituent Assembly on December 9. Jinnah at once reacted and called it another "blunder of a very grave and serious character". No Muslim League representative was to attend the Assembly meeting. The crisis deepened, and the British Government tried once again to bring leaders of the two communities closer to a consensus. Jinnah, Liaquat, Nehru and Baldev Singh left for London on December 2 for parleys, but nothing fruitful emerged. The Government, however, issued a statement which upheld the League view on the clause pertaining to grouping of provinces.

The statement said: "The Cabinet Mission have throughout maintained the view that the decision of the Section should, in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the Section. This view has been accepted by the Muslim League, but the Congress have put forward a different view. His Majesty's Government have had legal advice, which confirms that the statement of May 16 means what the Cabinet Mission had always stated was their intention. This part of the statement, as so interpreted, must therefore be considered as an essential part of the scheme of May 16 for enabling the Indian people to formulate a Constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly."

The issue was clinched. Jinnah's decision that the League should participate in the Interim Government, his interpretation of the Cabinet Mission plan that it envisaged Pakistan and hence should be accepted, and the interpretation of grouping, all turned out to be correct. At last, Attlee made a statement on Feburary 20, 1947: "His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect transfer of power to responsible Indian hands by a date not later than 1948". After some further higgling, the scheme was brought forward by about a year, and the 3rd June 1947 plan emerged which announced the partition of the subcontinent into two independent states. Consistent in his views and plan of action, Jinnah at last won the battle. There was found to be no other way to solve the constitution riddle except to give the Muslims their own homeland. Pakistan was a victory of constitutionalism.

EPILOGUE

THERE is a lot of talk these days on the relative efficacy of violence and constitutional methods to achieve national objectives. Violence, even in compact homogeneous societies, has produced only temporary results. It has, no doubt, created problems for rulers; but it has failed to create a sense of unity, harmony and responsibility in the people. The conduct of the Muslim League was in glaring contrast to the behaviour of the Congress, and though the Hindus received a compact territory, they have displayed less of tolerance than the people of Pakistan. There have been many times more communal riots in India than in Pakistan. The two parties developed two distinct attitudes in their followers through their different methods. Congressites even today are violent; Muslim Leaguers never were.

Constitutionalism not only disarms the enemy, it also creates a vision in those who practise it. This is the sum total of Jinnah's political philosophy; and as time passes, his philosophy is becoming more and more acceptable to the people of the world. We should have a clear ideal before us and struggle for it not as a motley crowd but as a well-organized and disciplined nation for our constitutional existence and rights.

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